

Open Research Online

The Open University's repository of research publications and other research outputs

'Men of good Character, strong, decent and active': Hertfordshire's Petty Constables, 1730-1799

Thesis

How to cite:

Saunders, Elaine (2018). 'Men of good Character, strong, decent and active': Hertfordshire's Petty Constables, 1730-1799. PhD thesis The Open University.

For guidance on citations see [FAQs](#).

© 2017 The Author



<https://creativecommons.org/licenses/by-nc-nd/4.0/>

Version: Version of Record

Link(s) to article on publisher's website:

<http://dx.doi.org/doi:10.21954/ou.ro.0000db20>

Copyright and Moral Rights for the articles on this site are retained by the individual authors and/or other copyright owners. For more information on Open Research Online's data [policy](#) on reuse of materials please consult the policies page.

oro.open.ac.uk

‘Men of good Character, strong, decent and active’

Hertfordshire’s Petty Constables, 1730-1799

Elaine Saunders

Department of History, The Open University

Thesis submitted for the degree of Doctor of Philosophy

Date: July 2017

Abstract

This thesis provides the first detailed historical analysis of eighteenth century rural petty constables, through a study of their operation in Hertfordshire from 1730 to 1799. Every Hertfordshire parish appointed at least one unsalaried, part-time constable annually to act on behalf of, and within, that parish. Constables were representatives of higher authority, authority figures within their communities, and mediators between the two. This thesis contextualises constables within Hertfordshire's overlapping administrative, judicial and personal networks, and shows that the boundaries between personal and official authority were often blurred. It presents considerable new research on constables' work, social status, funding and the importance of Hertfordshire's manorial courts in appointing constables throughout the eighteenth century. Discussions of constables' roles in arrests, detecting crimes, peacekeeping and crime prevention illuminate the substructures of eighteenth-century judicial administration and augment existing histories of crime and prosecution. This thesis also examines vagrancy administration uniquely from the constable's viewpoint and shows how Hertfordshire's constables exercised considerable discretion when arresting, transporting and relieving travellers on the county's roads. Constables essential roles in county and parish governance, pauper administration and community management are also considered. Instead of examining constables in isolation, this study shows that they were one of several local officers whose responsibilities and specialist skills dovetailed in local governance, including the making and implementation of social policies. Constables are thus repositioned as key figures in Hertfordshire's local government institutions, and shown to be higher status, harder working, less reluctant, better connected and more effective than previously allowed.

Acknowledgements

As with any major project, this study has been a collaborative effort. My first thanks go to the Open University for the opportunity to undertake this research, for granting me the necessary funding and for providing exceptional support to its students. Research was made easier by the helpful, knowledgeable staff at Hertfordshire Archives and Local Studies, and its volunteers' enthusiasm in sharing information on stray constables. Professor Steven King generously allowed me access to the late Joan Kent's archive at the University of Leicester, but I am equally grateful to Professor Peter King for making the introduction, sharing office space and including me in his crime history seminars. Thanks also to the many academics and students who have provided information and light relief, particularly at the Open University's *Crime, Policing and Justice* seminars and the IHR's *Long Eighteenth-Century Seminar*. Professor Tim Hitchcock's advice was particularly welcome when trying to piece together the paperwork issued in vagrancy administration.

The largest thanks are reserved for my fabulous supervisors, Dr Chris A. Williams and Dr Amanda Goodrich, whose complementary approaches resulted in positive, encouraging, insightful guidance. To Chris for his inexhaustible knowledge of the crime and policing historiographies, and reassurance that everything was going far better than I ever thought. And to Amanda for her incredible attention to detail, wide knowledge of the eighteenth century, and constant reminders to keep an eye on the bigger picture. But most particularly, to them both for their unfailing support during some difficult months when real life repeatedly swamped my academic endeavours.

Sadly, my lovely Dad and chief publicist, Jack Foster, died during my third year. The completion of this thesis would have been music to his ears, and he would have had great fun spreading the word.

Contents

Maps, Tables and Appendices	7
Abbreviations	10
Chapter One: Introduction	13
Literature Review	14
Eighteenth-Century Society	34
Assessing Constables' Status	39
Samples and Sources	43
Chapter Two: 'wholesome air and pleasant situations' Hertfordshire's Geography, Economy and Administration	57
Judicial Institutions	70
The Manor: Courts and Officers	74
The Parish: Vestries and Officers	79
Chapter Three: 'You shall well & truly serve' Selection, Appointment and Oaths Of Office	84
Selecting Constables	85
Appointments	93
Oaths of Office	111
Proxy Constables	117
Length of Service and Training	120
Constables' Remuneration	124
Chapter Four: 'honestest, ablest and most understanding Men' Hertfordshire Constables' Fitness for Office	133
<i>Idoneus Homo</i> , or Fit Man	134
Constables' Occupational Status, 1730-1799	137
Occupations and Length of Service	147

Constables' Comparative Status	151
Physical Capabilities and Personal Qualities	160
Chapter Five: 'a perfect union amongst yourselves'	
Constables as County Officers	169
Arrests and Investigations	175
Riots and Rowdiness	188
County Administration	197
Chapter Six: 'wandering Beggars and Strollers of every Denomination'	
Constables, Vagrants and the Travelling Poor	210
Apprehending Vagrants	211
Vagrancy Removals	216
Constables' Rewards and Expenses	223
Unaccompanied Pauper Travellers	230
Chapter Seven: 'the faithful execution of a public trust'	
Constables and Their Communities	242
Poor Law Administration	243
Local Peacekeeping	257
Parish Administration	265
Conclusion: Connection, Separation and Blurred Lines	277
Appendices	
1: Parishes, Constables, Populations and Appointment Institutions	296
2: Authority Hierarchies in Eighteenth-Century Hertfordshire	303
3: Constables' Occupations upon First Appointment, 1730-1799	304
4: Constables' Occupations and Length of Service	308
Bibliography and List of Primary Sources	312

Maps

Figure 2.1:	Hertfordshire Parishes	59
Figure 2.2:	Hertfordshire's Administrative Hundreds	60
Figure 2.3:	Some Major Roads across Hertfordshire	65
Figure 2.4:	St Albans Liberty Quarter Sessions' Jurisdiction	71

Tables

1.1:	Hierarchy of Middling Occupations Ranked by Status, Skills or Set-Up Costs	41
1.2:	Hierarchy of Middling Occupations in Hertfordshire	42
3.1:	Indicators of Institutions Appointing Constables	95
3.2:	Constables' Court Leet Jury Service	102
4.1:	Hertfordshire Constables' Occupational Status upon First Appointment, 1730-1799	142
4.2:	Occupational Status of Hertfordshire Constables upon First Appointment before and after Quarter Sessions Reforms in 1783	147
4.3:	Constables' Occupations and Length of Service	150
4.4:	Relative Status of Constables and Parish Officers	152
4.5:	Parish Officeholding before and after Service as Constable	154
4.6:	Occupational Status of Barkway, Reed and Therfield Inhabitants, and Their Constables	157
4.7:	Occupations of Hertfordshire Towns' Principal Inhabitants and Their Constables	159
5.1:	Offences Indicted at Hertford Quarter Sessions, 1700-1799	171
6.1:	Constables' Allowances for Passing Vagrants, 1753	225
6.2:	Traveller-Relief Payments Made by Berkhamsted's Constables, 1748-1800	232
7.1:	Duties in the Berkhamsted Constables' Book, 1747-1799	268

Appendices

1:	Parishes, Constables, Populations and Appointment Institutions	296
2:	Authority Hierarchies in Eighteenth-Century Hertfordshire	303
3:	Constables' Occupations upon First Appointment, 1730-1799	304
4:	Constables' Occupations and Length of Service	308

Abbreviations

Unless otherwise stated, all manuscript primary sources are held at Hertfordshire Archives and Local Studies, Hertford. [HALS].

Barnet MCB	Chipping Barnett and East Barnett Manor Court, Minute Books. Various volumes and dates. London Metropolitan Archives, London, EC1.
Barnet PS.1	Chipping Barnet Petty Sessions Minute Book 1796-1797, PS/2/2/1.
Barnet PS.2	Chipping Barnet and South Mimms Petty Sessions Minute Book 1750-1764, PS/2/2/2.
Barnet PS.3	Chipping Barnet Petty Sessions Minute Book 1765-1773, PS/2/2/3.
Berkhamsted, Constables' Book	Berkhamsted Constables' Book, Berkhamsted Local History and Museum Society, Dacorum Heritage Trust, Berkhamsted, DACHT: BK11535.
Burn, <i>Justice</i> , 1758	Richard Burn. <i>The Justice of the Peace and Parish Officer</i> , Vols.I-III. London, Sixth edition, 1758.
Cheshunt B-of-O	Cheshunt, Book of Orders 1710-1731 (D/P29/8/48), or Book of Orders 1752-1781 (D/P29/8/49).
Constabulary Questionnaires 1839	Hertford Quarter Sessions, Questionnaires to Magistrates on Adopting the Rural Police Act 1839, QS/Cb/32.
Hierarchy Diagram	Diagram in Appendix 2: Authority Hierarchies in Eighteenth-Century Hertfordshire.
<i>HCR</i> , Vol.I	Hertfordshire County Records. <i>Notes and Extracts from the Sessions Rolls</i> 1581-1698. Vol.I. W. J. Hardy (ed.). Hertford: C. E. Longmore, 1905.
<i>HCR</i> , Vol.II	Hertfordshire County Records. <i>Notes and Extracts from the Sessions Rolls 1699 to 1850</i> . Vol.II. W. J. Hardy (ed.). Hertford: C. E. Longmore, 1905.

<i>HCR Liberty</i>	Hertfordshire County Records. <i>Notes and Extracts from the Sessions Records of the Liberty of St Albans Division. 1770-1840.</i> Vol.IV. William Le Hardy (ed.). Hertford: Charles E. Longmore, 1923.
<i>HCR, Vol.VI</i>	Hertfordshire County Records. <i>Calendar to the Sessions Books... 1658-1700.</i> Vol.VI. William Le Hardy (ed.). Hertford: Elton Longmore, 1930.
<i>HCR, Vol.VII</i>	Hertfordshire County Records. <i>Calendar to the Sessions Books...1700-1752.</i> Vol.VII. William Le Hardy (ed.). Hertford: Elton Longmore, 1931.
<i>HCR, Vol.VIII</i>	Hertfordshire County Records. <i>Calendar to the Sessions Books...1752-1799.</i> Vol.VIII. William Le Hardy (ed.). Hertford: Elton Longmore, 1935.
<i>HCR, Vol.IX</i>	Hertfordshire County Records. <i>Calendar to the Sessions Books...1799-1833.</i> Vol.IX. William Le Hardy and Geoffrey LL. Reckitt (eds.). Hertford: Elton Longmore, 1939.
LMA	London Metropolitan Archives, London, EC1.
MCB	Manor Court Book. Various manors, volumes, dates and archives.
<i>Militia Lists</i>	<i>Hertfordshire Militia Ballot Lists.</i> Various dates and parishes. Transcribed by Hertfordshire Family History Society, 2008, CD Rom.
Summary Convictions	Original Summary Convictions, Bundles 1746-1779 And 1780-1810, QSC.
TNA	The National Archives, Kew, Surrey, TW9 4DU.
<i>UBD</i>	Peter Barfoot and John Wilkes. <i>The Universal British Directory of Trade, Commerce and Manufacture,</i> Vols.I-V. London, various dates and editions.
VM	Vestry Minutes.

Chapter One

Introduction

This thesis examines the ‘most ancient’ and ‘most useful officer’, the petty constable, through a study of their operation in Hertfordshire from 1730 to 1799.¹ It provides the first detailed historical analysis of eighteenth-century rural constables’ appointments, lives, duties and authority for an entire county. Most crime and policing histories have considered constables’ roles primarily as crime-fighters, but this study also explores constables’ wider administrative responsibilities as community representatives, and as mediators between higher authority and local interests. In doing so, it gives a new perspective on constables, and upon subjects attracting considerable academic interest: the magistracy, vagrancy, pauper administration, crime and prosecutions. Eighteenth-century local government has been far less well studied than these topics, so this research adds considerably to knowledge on how local institutions and their officers functioned, how constables enforced legislation (or exercised discretion in not applying it), and how constables participated in formulating and implementing local social policies. In particular, it examines the importance of manorial courts in appointing constables and other regulatory officers; institutions previously perceived to have had little relevance in

¹ Joseph Ritson, *The Office of Constable*, (London: Wheldon and Butterworth, 1791), ‘Preface’.

eighteenth-century local administration. It also locates constables for the first time inside Hertfordshire's overlapping judicial and administrative institutions and demonstrates their complex connections within official and personal networks. Finally, Hertfordshire constables' social status is investigated far more robustly than in earlier studies, and extensive new evidence on local officeholding presented. A review of the current literature demonstrates how this study will augment existing scholarship on eighteenth-century rural constables, and the social and judicial environments in which they operated.

Literature Review

The historiographies of eighteenth-century crime, policing, vagrancy, pauper administration and government provide a foundation for this research but leave significant opportunities for this study to extend and challenge current knowledge on eighteenth-century constables, or judicial and local administration.

A Royal Commission in 1836 enquired into 'the best means of establishing an efficient Constabulary Force', resulting in the *Rural Constabulary Act* 1839 that gave counties the option to create police forces similar to the Metropolitan Police established in London a decade earlier.² Until then, order had been maintained by petty constables serving individual parishes, whom the Commission branded as low-status, neglectful, corrupt and incapable of dealing with rising crime. Policing historians in the 1970s accepted the Commission's criticisms of constables, and argued that the newly created constabularies had gained immediate acceptance.³

² BPP1839, *First Report of the Commissioners Appointed to Inquire as to the Best Means of Establishing an Efficient Constabulary Force*. Vol.XIX (Paper.169);1839, *Rural Constabulary Act*, 2&3 Vict. c.93. Hertfordshire created its constabulary in 1841. On debates and motivation for reform, Philip Rawlings, *Policing: a short history*, (Cullompton: Willan Publishing, 2002), Chapter 5. On London's reforms, J. M. Beattie, *The First English Detectives: the Bow Street Runners and the Policing of London, 1750-1840*, (Oxford: OUP, 2012); David J. Cox, *A Certain Share of Low Cunning: a history of the Bow Street Runners, 1792-1839*, (Cullompton: Willan 2010).

³ Including, T. A. Critchley, *A History of Police in England and Wales*, (London: Constable, 1978); David Ascoli, *The Queen's Peace: the Origins and Development of the Metropolitan Police 1829-*

Research by Clive Emsley, David Philips and Robert Storch into pre-constabulary policing revised this interpretation, whilst John Beattie and Elaine Reynolds found London's Metropolitan Police had been preceded by a century of law enforcement systems shaping themselves capably around the capital's changing social conditions.⁴ However, the provinces have not benefitted equally from scholarship on eighteenth-century constables, and Emsley has called for the research on small towns and village communities that this study provides.⁵

Joan Kent's study of Tudor and Stuart constables' lives, duties and officeholding remains the leading monograph on rural constables, and concluded that they were higher status, more efficient and more honest than nineteenth-century reformers professed.⁶ Kent's research in nine parishes and five counties, including Hertfordshire, examined constables' financial and personal status, their duties, the dilemmas faced when executing them and their effectiveness in performing them.⁷ She considered the interhierarchical nature of constables' roles, in which they represented the lowliest officer in national and county authority structures, and provided vital links between central government and the localities. Additionally, she described constables as 'village headmen' who acted as community representatives,

1979, (London: Hamish Hamilton, 1979). Critique of Critchley and other early historians in, Cyril D. Robinson, 'Ideology as History: A Look at the Way Some English Police Historians Look at the Police', *Police Studies: International Review of Police Development*, Vol.2, No.2, (1979).

⁴ Including, Clive Emsley, *Policing and Its Context 1750-1870*, (London: Macmillan Press, 1983); Clive Emsley, *The Great British Bobby: a History of British Policing from the 18th Century to the Present*, (London: Quercus, 2009); Robert D. Storch, 'Policing Rural Southern England Before the Police: Opinion and Practice, 1830-1856', in *Policing and Prosecution in Britain 1750-1850*, ed. Douglas Hay and Francis G. Snyder, (Oxford: Clarendon Press, 1989); David Philips and Robert D. Storch, *Policing Provincial England, 1829-1856: the Politics of Reform*, (London: Leicester University Press, 1999); J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*, (Oxford: OUP, 2001); Elaine A. Reynolds, *Before The Bobbies. The Night Watch and Police Reform in Metropolitan London, 1720-1830*, (Basingstoke: Macmillan Press, 1998). Also, R. Paley, 'An Imperfect, Inadequate and Wretched System? Policing London Before Peel.', *Criminal Justice History*, Vol.X, (1989).

⁵ Clive Emsley, ed., *Theories and Origins of the Modern Police*, (Farnham: Ashgate, 2011), pp.xxi-xxii.

⁶ Joan R. Kent, *The English Village Constable, 1580-1642: a Social and Administrative Study*, (Oxford: Clarendon Press, 1986); Joan Kent, 'The English Village Constable, 1580-1642: the Nature and Dilemmas of the Office', *Journal of British Studies*, Vol.20, No.2, (1981).

⁷ Bushey and Little Munden, Hertfordshire before 1642.

co-operated in enforcing government policies, and wielded authority in their own locale.⁸ Kent found that constables acted diligently, were amongst villages' principal inhabitants and provided effective local government. This revised Keith Wrightson's portrayal of constables as poor, reluctant, village officers who were much tried and sorely abused when trying to enforce unpopular laws amidst resistance and animosity.⁹ Wrightson explored the conflicts seventeenth-century constables faced when enforcing the concept of order demanded by legislation and magistrates amongst villagers with a broader view of permitted behaviour, and also constables' 'studied negligence' in prosecuting offenders to preserve neighbourly relations. This caused magistrates to supervise closely the quality of men appointed as constable and their activities, until changes in legislation and formalisation of parish government placed prosecutions in the hands of 'village notables'. Wrightson did not discuss whether constables belonged to this clique, however. His study considered the seventeenth century, and Kent's ended in 1642, shortly after Stuart reforms established petty sessions courts, formalised local government, increased magistrates' workloads and made them more reliant upon constables. Kent posited that eighteenth-century population growth, social changes and progressively burdensome duties for constables would make the office 'increasingly obsolete' and unsustainable for temporary, amateur officers.¹⁰ This study comprehensively reappraises Wrightson's and Kent's findings by considering constables' relationship with their communities and their effectiveness in office, their social status and how they were appointed, to assess how far Kent and Wrightson's conclusions held true in the eighteenth-century.

⁸ Kent, *Village Constable*, pp.21-22, p.55.

⁹ Keith Wrightson, 'Two concepts of order: justices, constables and jurymen in seventeenth-century England', in *An Ungovernable People: the English and their law in the seventeenth and eighteenth centuries*, ed. John Brewer and John Styles, (London: Hutchinson, 1983).

¹⁰ Kent, *Village Constable*, pp.310-311.

Existing studies of eighteenth-century constables do not have a Hertfordshire focus, do not place rural constables in a countywide context, or only consider single sources. H. B. Simpson discussed constables' ancient origins and their seventeenth-century transition from village representatives to servants of Crown officers, but this study questions whether the latter assertion can be upheld.¹¹ Linda Haywood's article on York considered constables' duties, appointment and status, but York's size and administrative structure meant her findings did not translate into rural Hertfordshire.¹² Francis Price's transcription of constables' accounts from Wigginton, Oxfordshire gave an overview of their duties, although without the detailed analysis of officeholding and social status provided by this study, whilst Peter Bailey's article on Gedling, Nottinghamshire, focussed on crime-fighting, not constables' wider administrative roles.¹³ Alan Fox's transcription of constables' accounts from later eighteenth-century Buckminster, Leicestershire, reflected the breadth of constables' duties, but Buckminster's constables had different responsibilities from their Hertfordshire counterparts, and their accounts contained few details of their work.¹⁴ Within Hertfordshire, Linda Rollitt summarised incidents found in Berkhamsted Constables' Book, a crucial source for this study, but did not undertake detailed analysis of constables' duties or status, nor compare their activities with those from other parishes, as this study will.¹⁵ Furthermore, most studies

¹¹ H. B. Simpson, 'The Office of Constable', *English Historical Review*, Vol.10, No.40, (1895).

¹² Linda Haywood, 'The Role of York's Parish Constables 1713-1835', *York Historian*, Vol.15, (1998). Also, Levi Fox, ed., *Coventry Constables' Presentments 1629-1742*, (Oxford: OUP, 1986); J. P. Earwaker, *The Constables' Accounts of the Manor of Manchester*, Vol.III, 1743-1776, (Manchester: 1892).

¹³ F. D. Price, ed., *The Wigginton Constables' Book 1691-1836*, (London: Phillimore, 1971); Peter Bailey, 'The Role of the Parish Constable: Law and Disorder in the Parish of Gedling from 1655-1848', *Nottinghamshire Historian*, Vol.46, (1991).

¹⁴ Alan Fox, ed., *Parish Government in a Leicestershire Village: the Buckminster Town Book 1665-1767 and Constables' Book 1753-1813*, (Leicester: Leicestershire Archaeological and Historical Society, 2015).

¹⁵ Linda Rollitt, 'Parish Constables of Berkhamsted; Constables' Accompts Book (1748-1818)', *Chronicle of Berkhamsted Local History Society*, Vol.3, (2006). Brief discussion on Hertfordshire's pre-constabulary policing in, Neil Osborn, *The Story of Hertfordshire Police*, (Letchworth: Hertfordshire Countryside, 1970).later eighteenth-century petty constables occasionally referenced

consider constables working in isolation, but this examines the collaborative nature of eighteenth-century constables' operation within judicial and administrative networks, and their working relationships with fellow officers.

Histories of law, crime and prosecution often consider constables, but emphasise their crime-fighting responsibilities. Criminal justice history has examined how the political elite exerted control through the criminal law, or how sections of society opposed criminalisation of customary practices.¹⁶ In this way, historians have explored social relationships, popular politics and the use of the criminal law to maintain rural social control.¹⁷ Additionally, Beattie and Douglas Hay examined correlations between offending and social change, and asked what some crimes revealed about particular sectors of society.¹⁸ Violence and petty thefts affecting non-elite members of society have also been studied by Beattie and Peter King to determine the social meaning of crimes, relationships between victim and accused, informal dispute resolution, and the discretionary nature of eighteenth-century prosecutions.¹⁹ Within these histories, Philip Rawlings considered the

in the diary of a Hertfordshire high constable, W. Branch Johnson, ed., *'Memorands for...': The Diary Between 1798 and 1810 of John Carrington*, (London: Phillimore, 1973). Early-nineteenth-century rural studies include, B. C. Jerrard, 'Early Policing Methods in Gloucestershire', *Transactions of the Bristol and Gloucestershire Archaeological Society*, Vol.100, (1982); Brian Wilson, 'The Constable's Book, Weston on the Green, 1797-1843', *Weston on the Green*, (2015), www.wotg.org.uk, [accessed 25th March 2016]; F. D. Johns, 'A Petty Constable's Account Book', *Archaeologia Cantiana*, Vol.CIV, (1987).

¹⁶ Including, E. P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past & Present*, Vol.50, (Feb 1971); E. P. Thompson, *The Making of the English Working Class*, (London: Penguin, 1988); Carl J. Griffin, *Protest, Politics and Work in Rural England, 1700-1850*, (Basingstoke: Palgrave Macmillan, 2014); John Rule and Roger Wells, eds., *Crime, Protest and Popular Politics in Southern England, 1740-1850*, (London: Hambledon Press, 1997); Bob Bushaway, *By Rite: Custom, Ceremony and Community in England 1700-1880*, (London: Junction Books, 1982); Andy Wood, *The Politics of Social Conflict. The Peak Country 1520-1770*, (Cambridge: CUP, 2004).

¹⁷ E. P. Thompson, *Whigs and Hunters: the Origin of the Black Act*, (London: Allen Lane, 1975); Douglas Hay et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, (Harmondsworth: Peregrine, 1977). Langbein contested Hay's assertion that eighteenth-century law enforcement represented a 'ruling class conspiracy', John.H. Langbein, 'Albion's Fatal Flaws, Past and Present', *Yale Law School, Faculty Scholarship Series, Paper 545*, (1983).

¹⁸ Douglas Hay, 'War, Dearth and Theft in the Eighteenth Century: the Record of the English Courts', *Past & Present*, No.95, (May, 1982); J. M. Beattie, 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, Vol.8, No.4, (1975).

¹⁹ J. M. Beattie, *Crime and the Courts in England 1660-1800*, (Oxford: Clarendon Press, 1986), p.35. See also, Douglas Hay and Francis Snyder, 'Using the Criminal Law, 1750-1850: Policing,

history of constables and their crime-fighting duties, but mainly within London.²⁰ Beattie found it difficult to assess the effectiveness of early eighteenth-century London constables, but concluded that most took turns in office for a year, and wanted to serve without antagonising their neighbours. Many more paid deputies to act on their behalf, who then served extended terms as salaried officers. Beattie discussed constables' appointments and their responsibilities for arrest and watching, but London had a different administrative structure from eighteenth-century rural Hertfordshire, and distinct social problems, making it difficult to draw parallels with the county.²¹ However, this study examines the minutiae of Hertfordshire constables' appointments, their remuneration and the incidence of men hiring deputies. Robert Shoemaker's work on early eighteenth-century Middlesex found constables failed to follow justices' directions or report crimes in order to maintain community harmony.²² King also concluded that constables deliberately avoided conflicts when enforcing the law, but that they otherwise acted conscientiously in Essex parishes in the eighteenth and early nineteenth centuries.²³ Any neglect of office by Hertfordshire's constables, and the conflicts they faced, are also discussed by this study, alongside their implied effectiveness.

In the eighteenth century, victims decided whether to prosecute most offences, and bore the costs and trouble of doing so. King considered the entire judicial process, from commission of offence to formal sanction, including the

Private Prosecution, and the State', in *Policing and Prosecution in Britain 1750-1850*, ed. Douglas Hay and Francis G. Snyder, (Oxford: Clarendon Press, 1989).

²⁰ Rawlings, *Short History*.

²¹ Beattie, *Policing and Punishment*, Chapter 3.

²² Robert B. Shoemaker, *Prosecution and Punishment. Petty crime and the law in London and rural Middlesex, c.1660-1725*, (Cambridge: CUP, 1991), pp.221-222.

²³ Peter King, *Crime, Justice, and Discretion in England 1740-1820*, (Oxford: OUP, 2000), pp.62-75, citing Kent, *Village Constable* and Wrightson. 'Two Concepts'; J. A. Sharpe, 'Crime and Delinquency in an Essex Parish 1600-1640', in *Crime in England 1550-1800*, ed. J. S. Cockburn, (London: Methuen, 1977); E. J. Erith, *Woodford Essex 1600-1836: a Study of Local Government in a Residential Parish*, (Woodford and District Historical Society, 1950); F. H. Erith, *Ardleigh in 1796: its farms, families and local government*, (East Bergholt: Hugh Tempest Radford, 1978); Angela Green, *Ashdon: a History of an Essex Village*, (Aldham: Angela Green, 1989).

extensive discretion exercised by justices, accused and victim in resolving disputes.²⁴ Justices' work in mediating disputes, or dealing with cases summarily, has attracted considerable research. For instance, Gwenda Morgan and Peter Rushton concluded that justices primarily negotiated settlements rather than imposed sentences upon offenders, and Alan Cirket showed Bedfordshire's Justice Whitbread resolving as many poor law and employment disputes as crimes.²⁵ References to constables pepper justices' notebooks, yet constables remain largely peripheral characters in crime and prosecution histories. More recently, Drew Gray's and Bruce Smith's work on London has countered the eighteenth-century model of victim-led prosecutions, and drawn attention to constables initiating prosecutions and assisting in judicial processes.²⁶ However, King concluded that constables were reluctant to involve themselves in arrests, or in investigating offences.²⁷ Existing crime histories do not fully explore constables' powers or essential roles in criminal proceedings, so constables generally appear as officers at magistrates' and victims' disposal to action

²⁴ King, *Crime, Justice*; Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins*, (Cambridge: CUP, 2006). On seventeenth-century, Cynthia B Herrup, *The Common Peace. Participation and the criminal law in seventeenth-century England*, (Cambridge: CUP, 1987).

²⁵ Gwenda Morgan and Peter Rushton, 'The magistrate, the community and the maintenance of an orderly society in eighteenth-century England', *Historical Research*, Vol.76, No.191, (2003); Gwenda Morgan and Peter Rushton, *The Justicing Notebook (1750-64) of Edmund Tew, Rector of Boldon*, (Woodbridge: Surtees Society, 2000); Alan F. Cirket, ed., *Samuel Whitbread's Notebooks, 1810-11, 1813-14*, (Amphill: Bedfordshire Historical Record Society, 1971). Other studies of justicing notebooks and petty sessions records includes, B. J. Davey and R. C. Wheeler, eds., *The Country Justice and the Case of the Blackamoor's Head: the Practice of the Law in Lincolnshire, 1787-1838*, (Woodbridge: Boydell Press for Lincoln Record Society, 2012); Elizabeth Silverthorne, ed., *Deposition Book of Richard Wyatt, JP, 1767-1776*, Vol.XXX, (Guildford: Surrey Record Society, 1978); Ruth Paley, ed., *Justice in Eighteenth-Century Hackney: the Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*, (London: London Record Society, 1991); Elizabeth Crittall, ed., *The Justicing Notebook of William Hunt 1744-1749*, Vol.XXXVII, (Devizes: Wiltshire Record Society, 1987); Greg T. Smith, ed., *Summary Justice in the City: a Selection of Cases Heard at the Guildhall Justice Room, 1752-1781*, (London: Boydell Press, 2013); Drew Gray, 'Making Law in Mid-Eighteenth-Century England: Legal Statutes and their Application in the Justicing Notebook of Phillip Ward of Stoke Doyle', *Journal of Legal History*, Vol.34, No.2, (2013).

²⁶ Drew D. Gray, *Crime, Prosecution and Social Relations: the Summary Courts of the City of London in the Late Eighteenth Century*, (Basingstoke: Palgrave Macmillan, 2009), p.66; Bruce P. Smith, 'The Myth of Private Prosecution in England, 1750-1850', in *Modern Histories of Crime and Punishment*, ed. Markus D. Dubber and Lindsay Farmer, (Stanford: Stanford University Press, 2007); King, *Crime, Justice*, p.75. Also on constables as prosecutors, Shoemaker, *Prosecution and Punishment*, pp.216-224.

²⁷ King, *Crime, Justice*, pp.20-22; pp.74-75.

warrants and detain suspects. This study addresses this omission by examining constables' powers and discretion in making arrests, the resources and assistance available to them, their familiarity with ancient and modern investigative techniques, and their participation in informal local control measures. This illuminates the substructures of eighteenth-century judicial processes that have not been studied previously and augments the current literature on magistrates, crime and prosecutions.

However, eighteenth-century *policing* was not merely synonymous with crime-fighting, and constables had far broader responsibilities. Emsley looked at Europe to trace the origins of pre-constabulary policing, or 'Polizei', which superintended communities' general welfare, and translated into English as 'policy' and 'commonwealth'.²⁸ For instance, David Barrie concluded that later-eighteenth-century Scottish policing included regulation and administration for 'the public good, welfare, order and prosperity', in addition to peacekeeping.²⁹ When considering eighteenth-century constables solely within crime and prosecution histories, their essential involvement in social welfare measures and local administration tends to be lost, but this study considers every aspect of constables' work within the county and their communities.

²⁸ Clive Emsley, *Crime, Police and Penal Policy: European Experiences 1750-1940*, (Oxford: Oxford University Press, 2007), pp.61-63. Also on Polizei's origins, Franz-Ludwig Knemeyer, 'Polizei', *Economy and Society*, Vol.9, (1980). For links with social administration, policy and welfare, Beattie, *Policing and Punishment*, p.77; Francis M. Dodsworth, 'The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c.1780-1800', *Journal of the History of Ideas*, Vol.69, No.4, (2008). On transition of policing from the administration of state affairs to 'the police' as a preventative force, Roland Axtmann, 'Police' and the Formation of the Modern State', *German History*, Vol.10, No.1, (1992). On crime-fighting continuities between early policing and 'the police', Lucia Zedner, 'Policing Before and After the Police. The Historical Antecedents of Contemporary Crime Control', *British Journal of Criminology*, Vol.46, (2006).

²⁹ David Barrie, 'Police in civil society: police, Enlightenment and civic virtue in urban Scotland, c.1780-1833', *Urban History*, Vol.37, No.1, (2010), pp.52-53. Also, Mark Neocleous, *The Fabrication of Social Order: a critical theory of police power*, (London: Pluto Press 2000), Chapter 1; Kent, *Village Constable*, Chapters 5-6.

This expanded definition of policing is seen clearly in constables' responsibilities towards the poor. As with crime, poor law historians have adopted different approaches to explore eighteenth-century pauper provision. Early historians such as Sidney and Beatrice Webb, and Dorothy Marshall, examined the implementation of pauper legislation, rather than studying paupers' lives, and found the system inadequate.³⁰ Mark Blaug and Geoffrey Oxley, among others, considered the distribution of relief, including the interactions of paupers, vestries and magistrates.³¹ Keith Snell, Peter Slack and Paul Solar extended Blaug's and Oxley's positive reassessment of provision by demonstrating the poor laws' responses to unemployment and population growth.³² Studies of paupers' own experiences of poverty have more recently incorporated research exploring life-cycle changes, survival strategies in a 'makeshift economy', or pauper agency in petitioning for relief.³³

Overseers and churchwardens maintained the parish's own paupers and removed those without legal rights to reside (or *settlement*), and historians have used settlement records to study migration, paupers' lives, and issues of exclusion and

³⁰ Dorothy Marshall, *The English Poor in the Eighteenth Century*, (London: George Routledge & Sons, 1926); Sidney and Beatrice Webb, *English Poor Law History: Pt 1: the Old Poor Law*, (London: Frank Cass & Co, 1963).

³¹ Mark Blaug, 'The Myth of the Old Poor Law and the Making of the New', *Journal of Economic History*, Vol.23, No.2, (1963); Geoffrey W. Oxley, *Poor Relief in England and Wales 1601-1834*, (Newton Abbot: David & Charles, 1974).

³² K. D. M. Snell, *Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900*, (Cambridge: CUP, 1985); Peter M. Solar, 'Poor relief and English economic development before the industrial revolution', *Economic History Review*, Vol.XLV, No.iii, (1995); Paul Slack, *Poverty and policy in Tudor and Stuart England*, Vol.1988, (Longman London, 1988).

³³ Including, Samantha Williams, *Poverty, Gender and Life-Cycle Under the English Poor Law, 1760-1834*, (Woodbridge: Boydell Press, 2011); Richard M. Smith, ed., *Land, Kinship and Life-Cycle*, (Cambridge: CUP, 1984); Steven King and Alannah Tomkins, eds., *The Poor in England, 1700-1850: an Economy of Makeshifts*, (Manchester: Manchester University Press, 2003); Alannah Tomkins, *The Experience of Urban Poverty, 1723-1782: Parish, charity and credit*, (Manchester: Manchester University Press, 2006); Tim Hitchcock, Peter King, and Pamela Sharpe, eds., *Chronicle of Poverty: the Voices and Strategies of the English Poor, 1640-1840*, (Basingstoke: Macmillan Press, 1997). On charity and informal care networks; Steve Hindle, *On the Parish? The Micro-Politics of Poor Relief in Rural England c.1550-1750*, (Oxford: Clarendon Press, 2004). On Hertfordshire's provision, Steven King and Gillian Gear, eds., *A Caring County? Social Welfare in Hertfordshire from 1600*, (Hatfield: University of Hertfordshire Press, 2013).

belonging.³⁴ Snell explored links between settlement and relief entitlement, or parishes' rights to remove paupers, but noted that 'physical removal itself has not been studied'.³⁵ The constables' role in settlement and removal actions has not been fully examined either. Similarly, bastardy studies engage with issues surrounding morality, marriage and parenthood, but the procedures for obtaining bastardy orders have not yet been explored from the constables' perspective.³⁶ This study expands on current knowledge by examining pauper administration 'on the ground'. It considers constables' responsibilities for assisting fellow officers in applying for orders to maintain illegitimate children or in removing non-settled paupers. Constables' roles in formulating and implementing the parish's own policies to reduce spending on pauper maintenance are also discussed, including informal ways of providing for families, or ejecting those who did not belong.

Constables had no responsibility for relieving settled paupers, but implementation of the laws governing vagrants rested heavily upon them. A. L. Beier's study of early modern vagrancy re-evaluated historians' tendency to see vagrancy purely as criminal activity and argued that the vagrancy laws responded to Elizabethan social problems.³⁷ Legislation transformed vagrancy administration after 1700. David Hitchcock's monograph spanned this transition to explore the lived

³⁴ Including, N. Landau, 'The laws of settlement and the surveillance of immigration in eighteenth-century Kent', *Continuity and Change*, Vol.3, No.3, (1988); Snell, *Annals*; Ethel M. Hampson, 'Settlement and Removal in Cambridgeshire, 1662-1834', *Cambridge Historical Journal*, Vol.2, No.3, (1928); Hindle, *On the Parish*.

³⁵ K. D. M. Snell, *Parish and Belonging: Community, Identity and Welfare in England and Wales, 1700-1950*, (Cambridge: CUP, 2006), Chapter 3, p.110, p.139.

³⁶ Including, Tanya Evans, *'Unfortunate Objects': Lone Mothers in Eighteenth-Century London*, (Houndmills: Palgrave Macmillan, 2005); Patricia Bromfield, 'Incidences and Attitudes: a View of Bastardy from Eighteenth-Century Rural North Staffordshire, c.1750-1820', *Midland History*, Vol.27, No.1, (2002); Lisa Zunshine, *Bastards and Foundlings: Illegitimacy in Eighteenth-Century England*, (Columbus: Ohio State University Press, 2005); Grace Wyatt, 'Bastardy and Prenuptial Pregnancy in a Cheshire Town During the Eighteenth Century', *Local Population Studies*, Vol.49, (1992).

³⁷ A. L. Beier, *Masterless Men: The Vagrancy Problem in England 1560-1640*, (London: Methuen, 1987). Also on the seventeenth century, Walter J. King, 'Vagrancy and Local Law Enforcement: Why Be a Constable in Stuart Lancashire?', *The Historian*, Vol.42, No.2, (1980).

experience of the vagrant poor and their cultural representations, which informed and reflected contemporary opinions.³⁸ For the years before 1730, Hitchcock also investigated the ways Warwickshire's constables categorised travellers, and how migrants were treated as a result. Hitchcock argued that historians usually consider travellers post-arrest, and ignore the numerous unprosecuted, impoverished itinerants who escaped punishment under the vagrancy laws.³⁹ Audrey Eccles considered the bureaucracy of eighteenth-century vagrancy administration, and the process of removal and punishment, but only briefly considered constables' responsibilities for arresting vagrants, their failures to do so, their funding, and financial misconduct. Instead, Eccles examined the enforcement of vagrancy legislation from the viewpoint of justices and paupers, and constables again remained peripheral characters.⁴⁰ Similarly, Tim Hitchcock and colleagues have undertaken large research projects on London vagrancy in the later-eighteenth century, on justices' policies in dealing with vagrants, and on the work of Middlesex's vagrancy contractor. They have not, however, fully examined constables' roles beyond making the initial arrest.⁴¹

This study picks up where Tim Hitchcock *et al.* left off; namely, at Hertfordshire's border where Middlesex's contractor transferred northbound vagrants into Hertfordshire constables' custody. It examines vagrancy administration

³⁸ David Hitchcock, *Vagrancy in English Culture and Society, 1650-1750*, (London: Bloomsbury, 2016).

³⁹ David Hitchcock, 'A Typology of Travellers: Migration, Justice and Vagrancy in Warwickshire, 1670-1730', *Rural History*, Vol.23, No.1, (2012). For earlier studies, Joan Kent, 'Population Mobility and Alms: Poor Migrants in the Midlands During the Early Seventeenth Century', *Local Population Studies*, Vol.27, (1981); Paul Slack, 'Vagrants and Vagrancy in England, 1598-1664', *Economic History Review*, Vol.27, No.3, (1974).

⁴⁰ Audrey Eccles, *Vagrancy in Law and Practice under the Old Poor Law*, (Farnham: Ashgate, 2012).

⁴¹ Tim Hitchcock, 'The London Vagrancy Crisis of the 1780s', *Rural History*, Vol.24, No.1, (2013); Tim Hitchcock, Adam Crymble, and Louise Falcini, 'Loose, idle and disorderly: vagrant removal in late eighteenth-century Middlesex', *Social History*, Vol.39, No.4, (2014); *London Lives 1690 to 1800 - Crime, Poverty and Social Policy in the Metropolis*, Tim Hitchcock, Robert Shoemaker, and Sharon Howard, www.londonlives.com. Also on Middlesex's contractor, Audrey Eccles, 'The Adams' Father and Son, Vagrant Contractors to Middlesex 1757-1794', *Transactions of the London and Middlesex Archaeological Society*, Vol.57, (2006).

uniquely from the constable's viewpoint, including the rewards paid, roads travelled, paperwork involved and physical removal of paupers. Payments to individual constables are discussed, together with how constables reclaimed their expenses, and restrictions on their spending. Eccles called for more research into how far parishes relieved poor travellers instead of arresting them, echoing David Hitchcock's observations that historians usually consider vagrants post-arrest.⁴² In response here, Berkhamsted constables' payments to poor travellers are analysed to determine what proportion evaded arrest, widening knowledge on constables' discretion in applying vagrancy legislation. This analysis also shows payments responding to social changes, county directives on vagrancy and local policies for moving itinerants on, increasing understanding of paupers' experiences and how law translated into practice.

When implementing vagrancy legislation and carrying out their other duties, constables were one of several officers exercising authority within the county. Local government assumed greater importance during the eighteenth century, but many aspects of local institutions, their officeholders and their operation have not been studied. The eighteenth century saw the emergence of, what John Brewer termed, a 'fiscal-military state', brought about by Britain's protracted involvement in conflicts overseas, which required central government departments to concentrate on waging war and funding it.⁴³ Joanna Innes discussed how the Privy Council in the seventeenth century had reviewed central and local government actions, or domestic policies, whilst assize judges had both communicated Parliament's concerns to the

⁴² Eccles, *Vagrancy*, p.140.

⁴³ John Brewer, *The Sinews of Power: war, money and the English state, 1688-1783*, (London: Routledge, 1994). For a critique of interpretations, Simon. Devereaux, 'The Historiography of the English State during 'the Long Eighteenth Century': Part I – Decentralized Perspectives', *History Compass*, Vol.7, No.3, (2009); Simon Devereaux, 'The Historiography of the English State During 'The Long Eighteenth Century'Part Two – Fiscal-Military and Nationalist Perspectives', *History Compass*, Vol.8, No.8, (2010).

localities and supervised county officials.⁴⁴ By the early eighteenth century, the Admiralty, Treasury and Secretaries of State had assumed many Privy Council functions, but no separate department for domestic matters emerged until 1782. Contemporaneously, assize judges relaxed their supervision of the provinces and their justices.⁴⁵ Kent theorised that this would also result in justices relaxing control over constables, to the detriment of efficient local government, and this hypothesis is addressed by this study.⁴⁶ David Lemmings reasoned that, if the state were envisaged merely as central government institutions, the eighteenth-century domestic state would appear underdeveloped, but Brewer asserted that state power had instead been dispersed into local institutions staffed by unsalaried officers.⁴⁷ This dispersal echoed Michael Braddick's, Steve Hindle's and Kent's broader conception of the early modern state that acknowledged the crucial role of local institutions and their officeholders as the interface between state and society.⁴⁸

Eastwood asserted that the parish vestry and the magistracy comprised the key institutions of eighteenth-century local government. He described 'the county' as the 'power base of the English gentry', where they exercised authority as justices in quarter and petty sessions.⁴⁹ The magistracy has garnered considerable research, including Norma Landau's study of Kentish justices, which examined their work and

⁴⁴ Joanna Innes, 'The domestic face of the military-fiscal state: government and society in eighteenth-century Britain', in *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, (Oxford: OUP, 2009).

⁴⁵ Until the formation of the Home Office in 1782, Innes, 'Domestic face', pp.51-52.

⁴⁶ Kent, *Village Constable*, pp.307-308.

⁴⁷ David Lemmings, *Law and Government in England during the Long Eighteenth Century, from Consent to Command*, (Basingstoke: Palgrave Macmillan, 2011), p.11; John Brewer, 'The Eighteenth-Century British State: Contexts and issues', in *An Imperial State at War: Britain from 1689-1815*, ed. Lawrence Stone, (London: Routledge, 2003 digital edition), pp.54-55.

⁴⁸ Michael J. Braddick, *State Formation in Early Modern England c.1550-1700*, (Cambridge: CUP, 2000), pp.13-15; Steve Hindle, *The State and Social Change in Early Modern England, 1550-1640*, (Basingstoke: Palgrave, 2002), p.21; Joan. R. Kent, 'The Centre and the Localities: State Formation and Parish Government in England, Circa 1640-1740', *Historical Journal*, Vol.38, No.2, (1995).

⁴⁹ David Eastwood, *Governing Rural England: tradition and transformation in local government, 1780-1840*, (Oxford: Clarendon Press, 1994), p.3; David Eastwood, *Government and Community in the English Provinces, 1700-1870*, (Basingstoke: Macmillan, 1997), p.10, p.94, Chapters 2-3.

influence up to the mid-eighteenth century.⁵⁰ B. J. Davey, Lemmings and Landau all discussed quarter sessions justices' mid-eighteenth-century withdrawal from 'vernacular justice', or complaints concerning the poor, to concentrate on property theft and major administrative matters, leaving petty sessions to deal summarily with minor disputes.⁵¹ However, Mark Goldie noted that knowledge of the extent and meaning of officeholding below the magistracy remains partial.⁵² Studies of eighteenth-century parishes have examined religion, population, society and living standards, but research into parish administration and officeholding is less common, and constables' role in local governance is not usually explored beyond peacekeeping.⁵³ The Webbs produced the most comprehensive evaluation of eighteenth-century parish government, although their conclusions on constables' effectiveness were informed by nineteenth-century policing reformers' criticisms that branded constables as negligent and low status.⁵⁴ For the seventeenth century, Wrightson and David Levine considered the authority of parish officeholders and their status but did not discuss constables' duties in depth, whilst Eleanor Trotter's work on parish administration concentrated on constables' peacekeeping duties, not their administrative roles, nor their place in authority hierarchies.⁵⁵ Shirley Black's

⁵⁰ Norma Landau, *The Justices of the Peace, 1679-1760*, (London: University of California Press, 1984). See also studies of summary proceedings above.

⁵¹ Lemmings, *Law and Government*, Chapter 2; B. J. Davey, *Rural Crime in the Eighteenth Century: North Lincolnshire, 1740-80*, (Hull: University of Hull Press, 1994), Part III; Landau, *Justices*, Part III.

⁵² Mark Goldie, 'Unacknowledged Republic: Officeholding in Early Modern England', in *The Politics of the Excluded, c.1500-1850*, ed. Tim Harris, (Basingstoke: Palgrave, 2001), p.161.

⁵³ Including, N. J. G. Pounds, *A History of the English Parish: the Culture of Religion from Augustine to Victoria*, (Cambridge: CUP, 2000); Hindle, *On the Parish*; J. L. Hammond and Barbara Hammond, *The Village Labourer 1760-1832: a Study in the Government of England before the Reform Bill*, (London: Longmans, Green and Co., 1920); Snell, *Parish*.

⁵⁴ Sidney Webb and Beatrice Webb, *The Parish and the County*, (London: Frank Cass & Co., 1963). Similar criticisms found in, Charles Reith, *The Police Idea: Its History and Evolution in England in the Eighteenth Century and After*, (London: OUP, 1938); W. L. Melville-Lee, *A History of Police in England*, (London: Methuen & Co, 1901).

⁵⁵ Keith Wrightson and David Levine, *Poverty and Piety in an English Village: Terling, 1525-1700*, (New York: Academic Press, 1979); Eleanor Trotter, *Seventeenth Century Life in the Country Parish with Special Reference to Local Government*, (Cambridge: CUP, 1919), Chapter V. Also, Keith Wrightson, 'The Politics of the Parish in Early Modern England', in *The Experience of Authority in*

study of Farningham's (Kent) parish administration examined constables' appointments and peacekeeping duties after 1790 but did not contextualise constables amongst local officeholders.⁵⁶ Similarly, Eastwood discussed vestries and officeholding in the later-eighteenth century, but focussed on constables' crime-fighting duties and the nineteenth-century transition into constabularies.⁵⁷ This study uses parish records to explore for the first time the network of officers and institutions in the lowest tier of eighteenth-century local government, and to locate constables within them. In particular, it considers the type of men becoming constable, their responsibilities towards the county, parish and inhabitants, and their working relationships with fellow officers in parish and county institutions.

Eastwood asserted that weak central government control gave eighteenth-century magistrates considerable discretion in interpreting statutes affecting vagrancy, poverty and crime, and then tailoring them to meet local circumstances.⁵⁸ Innes also discussed justices' initiatives for tackling social problems and reforming morals, and referenced the local government reforms instituted by Hertfordshire's justices in 1783.⁵⁹ Middlesex's and Yorkshire's reforms in 1786 were well publicised, but Innes noted that Hertfordshire's were not 'as widely reported or as influential'. This study examines the effects of Hertfordshire's 1783 reforms, including measures spurring constables to greater activity to control vagrancy, licensing and Sunday observance. It argues that these reforms altered how the county

Early Modern England, ed. Paul Griffiths, Adam Fox, and Steve Hindle, (Basingstoke: Macmillan Press, 1996).

⁵⁶ Shirley Burgoyne Black, *Local Government, Law, and Order in a Pre-Reform English Parish, 1790-1834*, (Lewiston: Edwin Mellen Press, 1992), Chapter 4.

⁵⁷ Eastwood, *Governing*, Chapter 9.

⁵⁸ Eastwood, *Governing*, pp.49-50; David Eastwood, 'Local Government and Local Society', in *A Companion to Eighteenth-Century Britain*, ed. H. T. Dickinson, (Oxford: Blackwell Publishing, 2006), p.109. On criminal justice policies see also, King, *Crime and Law*; Beattie, *Crime and Courts*; Beattie, *Policing and Punishment*.

⁵⁹ Joanna Innes, 'Politics and morals: the reformation of manners movement in later eighteenth-century England', in *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, (Oxford: OUP, 2009), pp.185-189. Eastwood also references the reforms but does not discuss them, Eastwood, *Governing*, pp.226-227.

tackled crime after 1783, and affected constables' appointments, demonstrating their influence within Hertfordshire, at least. Innes was concerned with government structures and frameworks, and ways in which people operated within them, but her focus lay with the magistracy, and connections between Parliament and the localities, rather than in exploring the parish-based institutions that most people encountered.⁶⁰ She also considered the issues of employing 'inferior officers' to regulate and promote welfare; namely, the constables, churchwardens and overseers who operated in the administrative space beneath the magistracy.⁶¹ To this end, Innes included a case study of a London reforming constable, who promoted moral reforms and influenced the policies of reform societies run by his social superiors.⁶² However, Innes generally characterised inferior officers as the 'people at the sharp end', tasked with implementing legislation, social policies made by magistrates, or the ideals of reforming societies.⁶³ Innes did not fully examine whether inferior officers also exercised discretion in applying statutes, or whether they acted with their neighbours and fellow officers to make their own social policies and resolve issues without recourse to magistrates. This study's examination of government institutions at the most local level determines whether constables were merely subordinate to justices, where they remained autonomous, how critical magistrates were of constables, and how closely they supervised them. It also explores Hertfordshire constables' engagement with local governance, and their involvement in making and implementing local social policies. This will show whether local government

⁶⁰ Innes, Joanna Innes, *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, (Oxford: OUP, 2009), pp.8-9. For Welsh, Irish and Scottish perspectives, Joanna Innes, 'Governing Diverse Societies', in *The Eighteenth Century 1688-1815*, ed. Paul Langford, (Oxford: OUP, 2002).

⁶¹ Innes, *Inferior Politics*, pp.7-9.

⁶² Joanna Innes, 'The Protestant carpenter - William Payne of Bell Yard (c.1718-82): the life and times of a London informing constable', in *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, (Oxford: OUP, 2009).

⁶³ Innes, *Inferior Politics*, p.8; Innes, 'Politics and morals', p.223.

operated simply through top-down direction, or whether magistrates relied upon constables' independent actions.

The above leaves ample scope for this study to expand upon constables' positions and functions in local institutions, particularly as historians generally do not consider manorial courts leet when discussing eighteenth-century local government. From the thirteenth century, these courts appointed constables and other local regulatory officers, and had jurisdiction over petty offending. Historians of the medieval and Elizabethan periods recognised the courts' importance as forums for dispute resolution and men's participation in local government, but research into manors after 1600, such as Angus Winchester's and Eric Kerridge's, concentrates on landholding, not offending.⁶⁴ Jim Sharpe concluded that manorial courts were 'more or less defunct by 1650', so justices dealt with most petty crime.⁶⁵ Furthermore, Hindle asserted that, where farmland had been enclosed, the need for manorial regulation of open fields declined, manorial structures weakened, and vestries flourished as *the* unit of local government.⁶⁶ However, Walter King discussed the ways seventeenth-century manorial officers wielded considerable authority and discretion in prosecuting misdemeanours, whilst Brodie Waddell and Guy Lawton found eighteenth-century manorial courts hearing nuisances, assaults and trading

⁶⁴ Including, Warren O. Ault, 'Open-Field Husbandry and the Village Community: a Study of Agrarian By-Laws in Medieval England', *Transactions of the American Philosophical Society*, Vol.55, No.7, (1965); Warren O. Ault, 'The Vill in Medieval England', *Proceedings of the American Philosophical Society*, Vol.126, No.3, (1982); M.K. McIntosh, *Controlling misbehavior in England, 1370-1600*, (Cambridge: CUP, 2002). On manors generally, Mark Bailey, *The English Manor c.1200-c.1500*, (Manchester: Manchester University Press, 2002); Christopher Harrison, 'Manor Courts and the Governance of Tudor England', in *Communities and Courts in Britain 1150-1900*, ed. Christopher Brooks and Michael Lobban, (London: Hambledon Press, 1997). Angus J. L. Winchester, *The Harvest of the Hills: Rural Life in Northern England and the Scottish Borders, 1400-1700*, (Edinburgh: Edinburgh University Press, 2006 digital edition); Eric Kerridge, *The Common Fields of England*, (Manchester: Manchester University Press, 1992).

⁶⁵ J. A. Sharpe, *Crime in Early Modern England 1550-1750*, (Harlow: Longman, 1984), p.83, p.89; Sharpe, 'Delinquency', p.25, p.85.

⁶⁶ Hindle, *State and Social Change*, p.208.

breaches, as well as appointing constables.⁶⁷ This study responds to Waddell's call for fresh research, especially into southern manorial courts and their officers' functions.⁶⁸ It examines the proportion of eighteenth-century constables still appointed by Hertfordshire's courts leet, their various officers, the types of cases heard, and the essential service performed by these courts within local government.

Francis Dodsworth argued that classical Roman ideals conceived of government in local terms, as exercised by independent men of property filling annually appointed offices and taking active roles in managing their communities.⁶⁹ However, the social status of eighteenth-century constables still awaits detailed enquiry, despite its apparent importance in constables' appointments and authority. Braddick argued that constables' initial suitability for selection depended upon their relative position in society, whilst Dodsworth asserted that constables used their superior status to command the respect and compliance of their social inferiors.⁷⁰ Henry French concluded that higher social status, or 'substance' in constables, brought greater honesty and commitment to office, made them less susceptible to bribery and unlikely to be overawed by more powerful members of the community.⁷¹ Wider discussions of local officeholders' status include those by Lee Davison *et al*, who concluded that eighteenth-century central government's willingness to allow

⁶⁷ Walter J. King, 'Leet Jurors and the Search for Law and Order in Seventeenth-Century England: "Galling Persecution" or Reasonable Justice?', *Social History*, Vol.XIII, No.26, (1980); Walter J. King, 'Untapped Resources for Social Historians', *Journal of Social History*, Vol.15, No.4, (1982); W. J. King, 'Early Stuart courts leet: still needful and useful', *Social History*, Vol.23, (1990); Guy Lawton, ed., *Church Lawton Manor Court Rolls, 1631-1860*, (Lancaster: Record Society of Lancashire and Cheshire, 2013); Brodie Waddell, 'Governing England Through the Manor Courts, 1550-1850', *Historical Journal*, Vol.55, (2012). On courts' decline, Sidney Webb and Beatrice Webb, *The Manor and the Borough. Part One*, (London: Longmans, Green and Co., 1908), p.124

⁶⁸ Waddell, 'Governing', p.309.

⁶⁹ Francis M. Dodsworth, 'Civic' police and the condition of liberty: the rationality of governance in eighteenth-century England', *Social History*, Vol.29, No.2, (2004), p.202, pp.207-208.

⁷⁰ Braddick, *State Formation*, pp.34-35; Francis Dodsworth, 'Masculinity as Governance: police, public service and the embodiment of authority, c. 1700-1850', in *Public Men: political masculinities in modern Britain*, ed. Matthew McCormack, (Houndmills: Palgrave, 2007), p.40.

⁷¹ H. R. French, *The Middle Sort of People in Provincial England 1600-1750*, (Oxford: OUP, 2007), pp.90-91.

reform and regulation to be handled by local officers resulted in increased participation by the ‘urban middle classes’ in formulating social policies in vestries and voluntary societies.⁷² Hindle asserted that this devolution of responsibility occurred in the later-sixteenth century, when gentlemen absented themselves from their communities, leaving a social and political space where middling men could increasingly exercise authority in rural governance.⁷³ Innes also acknowledged the significance of the ‘middling sort’ in local officeholding, and said that her London informing constable, a carpenter, had ‘middling-trading status’.⁷⁴ Shani D’Cruze asserted that local officeholding formed part of the ‘middling social role’ in urban Colchester, whilst Kent found rural ‘middling men’ serving as constable and acting collectively to administer parishes.⁷⁵ Some historians have ascribed particular occupations to constables when discussing their social status. Innes described a ‘petty bourgeoisie’, or ‘lesser middling sort’ of small landowners, shopkeepers and craftsmen taking local offices, including that of constable.⁷⁶ Kathleen Wilson found mainly retailers and craftsmen serving as constable in Norwich and Newcastle, and Kent asserted that craftsmen and tradesmen occupied the office in the early eighteenth century.⁷⁷ This study tests constables’ status far more robustly than previously by adopting a definition of the ‘middling sort’ appropriate to rural Hertfordshire, and

⁷² Lee Davison et al., 'Introduction. The Reactive State: English Governance and Society, 1689-1750', in *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, ed. Lee Davison et al., (Stroud: Alan Sutton, 1992), p.xiv, pp.xxviii-xl.

⁷³ Steve Hindle, 'The Political Culture of the Middling Sort in English Rural Communities, c.1550-1700', in *The Politics of the Excluded, c.1500-1850*, ed. Tim Harris, (Basingstoke: Palgrave, 2001), p.126.

⁷⁴ Innes, 'Politics and morals', p.221; Innes *Inferior Politics*, p.17.

⁷⁵ Shani D’Cruze, 'The Middling Sort in Eighteenth-Century Colchester: Independence, Social Relations and the Community Broker', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, ed. Jonathan Barry and Christopher Brooks, (Basingstoke: Macmillan Press, 1994), p.196; Shani D’Cruze, *A Pleasing Prospect. Social change and urban culture in eighteenth-century Colchester*, (Hatfield: University of Hertfordshire Press, 2008), p.127; Joan Kent, 'The Rural 'Middling Sort' in Early Modern England, circa 1640-1740: Some Economic, Political and Socio-Cultural Characteristics', *Rural History*, Vol.10, No.1, (1999), p.24.

⁷⁶ Innes, 'Politics and morals', p.221.

⁷⁷ Kathleen Wilson, *The Sense of the People: politics, culture and imperialism in England, 1715-1785*, (Cambridge: CUP, 1998), p.301; Kent, 'Rural Middling', p.19.

then analysing the occupations of 1,193 constables within that definition. It also compares constables' occupations with those of residents in town and rural parishes in order to determine constables' comparative status in communities, and their level of implied authority.

Peter King concluded that the social status of constables declined during the eighteenth century. He found that the 'petty gentry' had served in seventeenth-century Essex, but they increasingly left office to 'lesser men' until a 'substantial proportion' of the 'labouring poor' served many parishes in the later-eighteenth century.⁷⁸ To address this issue, this study creates a hierarchy of middling occupations, based upon their attendant wealth and perceived prestige, as set out below. It then plots constables' occupations against this hierarchy to chart changes in their status from 1730 to 1799. Additionally, French called for research into how far officeholding permeated middling wealth strata, and this hierarchy of occupations allows this study to assess what proportion of men in higher or lower-status middling occupations held office.⁷⁹

King found that Essex's eighteenth-century overseers and churchwardens had higher social status than constables, and Pitman noted a similar status gap between constables and these officers in early modern Norfolk.⁸⁰ For the comparative prestige of the constableness itself, Goldie and Hilary Walker identified a progression in office, or *cursus honorum*, whereby even high-status men gained experience in 'minor' offices like the constableness, before moving into the 'major' office of

⁷⁸ King, *Crime, Justice*, pp.69-70. Similar conclusions in, Kent, 'Rural Middling', p.19.

⁷⁹ H. R. French, 'Social Status, Localism and the 'Middle Sort of People' in England 1620-1750', *Past & Present*, No.166, (2000), p.73.

⁸⁰ King, *Crime, Justice*, p.67; Jan Pitman, 'Tradition and Exclusion: Parochial Officeholding in Early Modern England, a Case Study from North Norfolk, 1580-1640', *Rural History*, Vol.15, No.1, (2004), pp.34-35. Similar findings in seventeenth-century Essex, Wrightson and Levine, *Poverty and Piety*, pp.104-105.

churchwarden.⁸¹ Kent argued against this progression, however.⁸² To test these two hypotheses for eighteenth-century Hertfordshire, this study firstly compares the occupations of constables, overseers and churchwardens with the above-mentioned hierarchy of occupations, to determine whether constables indeed had lower social status. This occupational analysis will also show whether men ‘progressed’ between offices, as will examination of constables’ actual service patterns. However, discussions of constables’ status, or of the ‘middling sort’, need to be contextualised within an understanding of how eighteenth-century society was structured.

Eighteenth-Century Society

Eighteenth-century society was highly stratified, and based upon complex estimations of birth, wealth, occupation and landholding, but contemporaries understood their divinely-ordained place in the hierarchy along a ‘Great Chain of Being’.⁸³ Wrightson discussed how paternalism and deference operated within the hierarchy, based upon the recognition of social obligations by the rich, and the duty of their inferiors to obey those placed above them by God.⁸⁴ Several seventeenth and eighteenth-century surveys described society’s different ‘ranks’ or ‘degrees’ of persons, and placed the nobility at the apex of national and county society.⁸⁵ The

⁸¹ Goldie, ‘Unacknowledged Republic’, pp.165-166; Hilary Walker, ‘Differentiation within the artisan sector in Saffron Walden in the eighteenth century’, (PhD, University of East Anglia, 2014), p.93. The Webbs found the constablenesship ‘most objected to’ but the churchwarden’s office ‘one of dignity’, Webb and Webb, *Parish*, pp.18-19.

⁸² Kent, *Village Constable*, p.144-145.

⁸³ Frank O’Gorman, *The Long Eighteenth Century: British Political and Social History 1688-1832*, (London and New York: Bloomsbury Academic, 2011), pp.12-13.

⁸⁴ Keith Wrightson, *English Society 1580-1680*, (London: Routledge, 1990), pp.57-61; Wrightson, ‘Politics’, pp.31-35.

⁸⁵ Including, Gregory King’s 1688 survey and others reproduced and critiqued in, Peter H. Lindert and Jeffrey G. Williamson, ‘Revising England’s Social Tables 1688-1812’, *Explorations in Economic History*, Vol.19, (1982), p.393. On socio-economic terminology of rank, Penelope J. Corfield, ‘Class by name and number in eighteenth-century Britain’, in *Language, History and Class*, ed. Penelope J. Corfield, (Oxford: Basil Blackwell, 1991).

rankings then descended through various professions and occupations to landless cottagers and paupers at the foot of society's pyramid.

The nobility possessed great wealth and landed estates, held peerages and sat in the House of Lords, but the gentry families immediately below them were far more numerous and economically diverse.⁸⁶ A few gentlemen matched the nobility in wealth and landholding, but the lesser gentry sometimes possessed little more than prosperous farmers and struggled to maintain small estates.⁸⁷ The gentry became magistrates and, in most villages, supplied the local ruling family.⁸⁸ Lawrence and Jeanne Stone divided the gentry into two groups. The titled 'county gentry' had greater wealth and sophistication, and shared the nobility's social milieu, whilst the 'parish gentry' held sway in their immediate locale and styled themselves 'esquire' or 'gentleman'.⁸⁹ Corfield examined the elasticity of the latter terms, and their adoption by men outside the landed gentry, including successful businessmen, professionals, and the younger sons of gentry families forced to earn a living.⁹⁰ However, Mingay reported hostility from the landed gentry towards those enriched

⁸⁶ On the nobility's economic and political power, background and ideology, John Cannon, *Aristocratic Century: the peerage of eighteenth-century England*, (Cambridge: CUP, 1984). On definitions of 'nobility' and incorrect use of 'aristocracy' for social description, Amanda Goodrich, 'Understanding a Language of 'Aristocracy', 1700-1850', *Historical Journal*, Vol.56, No.02, (June, 2013), pp.372-374. On meaning and use of titles, Penelope Corfield, Charles Harvey, and Edmund Green, '7.13 Lords and Ladies: Titles, Status and Precedence', *London Electoral History 1700-1850*, (2014), <http://leh.ncl.ac.uk>, [accessed 20th December 2016].

⁸⁷ G. E. Mingay, *The Gentry: the Rise and Fall of a Ruling Class*, (London: Longman, 1976), p.3 and on gentry estates and profits, Chapter 4; Richard G. Wilson, 'The Landed Elite', in *A Companion to Eighteenth-Century Britain*, ed. H. T. Dickinson, (Oxford: Blackwell Publishing, 2006). On fashion and consumption amongst one sector of wealthy, titled society, Hannah Greig, *The Beau Monde*, (Oxford: OUP, 2013).

⁸⁸ Wilson, 'Landed Elite', pp.159-166.

⁸⁹ Lawrence Stone and Jeanne C. Fawtier Stone, *An Open Elite? England, 1540-1880*, (Oxford: Clarendon Press, 1984), pp.6-8. On lifestyles, landholding and family connections of the gentry's lower ranks, Philip Jenkins, *The making of a ruling class. The Glamorgan gentry 1640-1790*, (Cambridge: CUP, 1983), Chapter 7.

⁹⁰ Penelope J. Corfield, 'The Rivals: Landed and Other Gentleman', in *Land and Society in Britain, 1700-1914*, ed. R Quinault and N. B. Harte, (Manchester: Manchester University Press, 1996); Corfield et al., '7.13: Lords', pp.5-7; Penelope J. Corfield, *Power and the Professions in Britain 1700-1850*, (London: Routledge, 1995), pp.12-13.

by 'trade'.⁹¹

Below the gentry lay the 'middling sort', a newly assertive group with vastly differing occupations and incomes. Wrightson argued that the complex social classifications propounded by surveys did not reflect the way ordinary men thought about themselves, and that people in Tudor and Stuart England simply distinguished themselves as the 'better' or 'richer' sort, and the 'meaner' or 'poorer' sort.⁹² The 'better' sort, Wrightson concluded, fell between the 'greater gentry' and the 'common people', and comprised a parish's principal inhabitants. The 'poorer sort' included labourers, cottagers with small landholdings, economically-vulnerable workers who neither paid poor rates nor received relief, and families entirely dependent upon parishes for support.⁹³ By the mid-seventeenth century, the term 'middle' or 'middling' sort had emerged as a means of social description and self-identification, although the boundaries between each 'sort' remained fluid and influenced by local perceptions of status.⁹⁴

Historians have adopted various approaches to define the elusive middling

⁹¹ Mingay, *Gentry*, pp.6-8. Some trades and professions were admired in the later eighteenth century for their attendant riches, Corfield, 'Class by name', p.106. See also, Lawrence Stone, 'Social Mobility in England, 1500-1700', *Past & Present*, Vol.33, (1966), p.37, p.51; E. A. Wasson, 'The penetration of new wealth into the English governing class from the middle ages to the First World War', *Economic History Review*, Vol.LI, No.1, (1998). On the newly wealthy buying estates or marrying into the landed gentry, Stone and Stone, *Open Elite*, but contrast, Eileen Spring and David Spring, 'The English Landed Elite, 1540-1879', *Albion*, Vol.17, No.2, (1985). On the newly wealthy's influence and prejudices against them, James Raven, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750-1800*, (Oxford: OUP, 1992). On the lesser gentry and wealthy merchants, Amanda Vickery, *The Gentleman's Daughter. Women's Lives in Georgian England*, (New Haven: Yale University Press, 1998).

⁹² Keith Wrightson, 'Sorts of People' in Tudor and Stuart England', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, ed. Jonathan Barry and Christopher Brooks, (Basingstoke: Macmillan Press, 1994); Keith Wrightson, 'Estates, degrees and sorts: changing perceptions of society in Tudor and Stuart England', in *Language, History and Class*, ed. Penelope J. Corfield, (Oxford: Basil Blackwell Ltd, 1991); Keith Wrightson, 'The Social Order of Early Modern England: Three Approaches', in *The World We Have Gained. Histories of Population and Social Structure*, ed. Lloyd Bonfield, Richard M. Smith, and Keith Wrightson, (Oxford: Basil Blackwell, 1986).

⁹³ Wrightson, 'Sorts', p.34; Wrightson, 'Estates', p.48.

⁹⁴ Wrightson, 'Sorts', p.42-44; Wrightson, 'Estates', p.51. For summary of debates surrounding the middling sort's impact on eighteenth-century society, including the Clark-Langford debate see, Perry Gauci, 'Finding the Middle-Ground: the Middling Sort in the Eighteenth Century', *History Compass*, Vol.4, No.2, (2006).

sort.⁹⁵ Peter Borsay, Peter Earle and Paul Langford characterising them as maintaining servants and respectable reputations, worshipping and consuming conspicuously, and aspiring to better themselves.⁹⁶ Jonathan Barry's and Christopher Brooks' edited work considered their shared experiences of social mobility, community service and consumption, whilst Margaret Hunt and Joan Kent stressed the middling sort's independence, industriousness and domesticity.⁹⁷ Attempts to define the middling sort by their incomes proved equally difficult, and classifications might include anyone between substantial landowners and labourers.⁹⁸ For instance, Earle found London commentators applying middling status to anyone more prosperous than small shopkeepers and manufacturers, whereas Kent asserted that substantial farmers, 'better-off' craftsmen and even 'lesser gentlemen' belonged to the rural middling sort in the early eighteenth century.⁹⁹ At the middling sort's upper reaches, Corfield found the professions provided respectable employment for gentlemen, but their practitioners belonged to the 'middle class' because they possessed expertise, not landholdings.¹⁰⁰ At the lower end, Edmund Green's analysis of voters' occupations in 1774 stated that an unknown eighteenth-century analyst

⁹⁵ Approaches and difficulties discussed in, H. R. French, 'The Search for the 'Middle Sort of People' in England, 1600–1800', *Historical Journal*, Vol.43, No.1, (2000). See also, Paul Langford, *A Polite and Commercial People: England 1727-1783*, (London: Guild Publishing, 1989), pp.61-76.

⁹⁶ Peter Earle, *The Making of the English Middle Class. Business, Society and Family Life in London, 1660-1730*, (London: Methuen, 1989); Peter Borsay, *The English urban renaissance: culture and society in the provincial town, c.1680-1750*, (Oxford: OUP, 1989); Langford, *Polite*.

⁹⁷ Jonathan Barry and Christopher Brooks, eds., *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, (Basingstoke: Macmillan Press, 1994); Margaret R. Hunt, *The Middling Sort. Commerce, Gender and the Family in England, 1680-1780*, (Berkeley: University Of California Press, 1996); Kent, 'Rural Middling'. Also on the middling sort, Leonore Davidoff and Catherine Hall, *Family fortunes: men and women of the English middle class, 1780–1850*, (London: Hutchinson Education, 1987).

⁹⁸ Nicholas Rogers, 'The Middling Sort in Eighteenth-Century Politics', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, ed. Jonathan Barry and Christopher Brooks, (Basingstoke: Macmillan Press, 1994), p.160. Further on the difficulties in definition, Peter Earle, 'The Middling Sort in London', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, ed. Jonathan Barry and Christopher Brooks, (Basingstoke: Macmillan Press, 1994), pp.143-150.

⁹⁹ Earle, 'Middling...London', p.143; Kent, 'Rural Middling', p.19, p.24.

¹⁰⁰ Corfield, *Power and Professions*, pp.174-179.

designated ‘artisan and dealing occupations’ as ‘trades of the lower class’.¹⁰¹ Even ‘artisan’ defied exact definition. Walker concluded that artisans in Saffron Walden, Essex, belonged to the middling sort but some ‘sank into poverty’, whilst others achieved gentlemanly status and occupied high civic office.¹⁰² Shani D’Cruze formulated a portmanteau definition of the middling sort that applied to traders, manufacturers and professionals alike, and which centred upon the ‘business household’. The middling sort, D’Cruze asserted, were usually self-employed, produced and sold their own goods or services, and occupied a household in which family, servants and employees shared living and working spaces, or business and household duties. Thus, a gentleman living on unearned income, or labourers and servants working for wages, each fell outside D’Cruze’s definition.¹⁰³

Finally, the wage-earning ‘labouring people and outservants’ and ‘cottagers and paupers’ each represented around a quarter of families in the bottom tiers of Gregory King’s 1688 social hierarchy.¹⁰⁴ Labouring families survived on wages, trade perks and a makeshift economy, and their standard of living depended upon available work, the purchasing power of wages and their skills in domestic budgeting.¹⁰⁵ However, Rule contended that many could not support themselves, and relied upon poor relief.¹⁰⁶ Lynn Hollen Lees discussed contemporary perceptions of

¹⁰¹ Edmund M. Green, ‘The taxonomy of occupations in late eighteenth-century Westminster’, in *Work in Towns 850-1850*, ed. Penelope J. Corfield and Derek Keene, (Leicester: Leicester University Press, 1990), p.166.

¹⁰² Walker, ‘Differentiation’, pp.5-8, p.76. Contrast Rule who deemed artisans a ‘working class elite’, not middling men, John Rule, ‘The Labouring Poor’, in *A Companion to Eighteenth-Century Britain*, ed. H. T. Dickinson, (Oxford: Blackwell Publishing, 2006), p.183. On artisans’ position in King’s 1688 survey, Lindert and Williamson, ‘Revising’, p.393.

¹⁰³ D’Cruze, ‘Middling...Colchester’, pp.181-184. See also, D’Cruze, *Pleasing Prospect*.

¹⁰⁴ Lindert and Williamson, ‘Revising’, p.393. On different categorisations of labouring families see, Keith Wrightson, *Earthly Necessities. Economic Lives in Early Modern Britain*, (Newhaven: Yale University Press, 2000), Chapter 14; John Rule, *Albion’s People: English Society, 1714-1815*, (London: Routledge, 2014), Chapter 5; Rule, ‘Labouring Poor’.

¹⁰⁵ G. E. Mingay, *A Social History of the English Countryside*, (London: Routledge, 2001 digital edition), pp.98-100; Pamela Horn, *The Rural World 1780-1850: social change in the English countryside*, (London: Hutchinson, 1980), pp.21-35; King and Tomkins, eds., *Poor in England*; Wrightson, *Earthly Necessities*, p.308.

¹⁰⁶ Rule, ‘Labouring Poor’, p.182. Also, Snell, *Annals*.

poverty that recognised the ‘worthy’ poor (such as the old and infirm), workers without jobs, and the ‘wicked’, including vagrants, who deserved punishment, not relief. By the nineteenth-century, ‘the dependent poor’ had become ‘paupers’ and were viewed with condemnation and distrust.¹⁰⁷

As discussed above, historians have concluded that eighteenth-century officeholding was the province of the middling sort, so it is now necessary to formulate a definition of this sector of society to help establish whether Hertfordshire’s constables indeed belonged to it.

Assessing Constables’ Status

Conclusions on Hertfordshire constables’ social status from 1730 to 1799 rest upon analysis of 1,193 constables’ occupations. The dangers of inferring social status from occupational titles alone are acknowledged and are further considered in a Hertfordshire context later.¹⁰⁸ Corfield, Green and Charles Harvey said that these hazards included people’s tendency to exaggerate their own social status, that occupational titles seldom indicated the level of skill achieved or the scale of the business enterprise, and that titles rarely distinguished between the self-employed and a waged employee.¹⁰⁹

As a starting point, this study adopted D’Cruze’s above-mentioned definition of the middling sort, because it included farmers and market gardeners, rendering it

¹⁰⁷ Lynn Hollen Lees, *The Solidarities of Strangers. The English Poor Laws and the People, 1700-1948*, (Cambridge: Cambridge University Press, 1998), p.23, pp.39-41. Also on attitudes towards poverty, Wrightson, *Earthly Necessities*, pp.320-325. Studies of poverty include, Samantha Williams, ‘Poor relief, labourers’ households and living standards in rural England c.1770–1834: a Bedfordshire case study’, *Economic History Review*, Vol.LVIII, No.3, (2005); Williams, *Poverty, Gender*.

¹⁰⁸ See Chapter Four.

¹⁰⁹ Penelope Corfield, Charles Harvey, and Edmund Green, ‘7.11: Classification by Occupation’, *London Electoral History 1700-1850*, (2014), <http://leh.ncl.ac.uk>, [accessed 20th December 2016]; Penelope Corfield, Charles Harvey, and Edmund Green, ‘7.12: Problems in Classifying Social Class by Occupation’, *London Electoral History 1700-1850*, (2014), <http://leh.ncl.ac.uk>, [accessed 20th December 2016]; Green, ‘Taxonomy’. Also, Michael B. Katz, ‘Occupational Classification in History’, *Journal of Interdisciplinary History*, Vol.3, No.1, (1972).

particularly appropriate for agricultural Hertfordshire. Under D'Cruze's definition, all of Hertfordshire's professionals and its skilled, self-employed growers, producers, retailers and craftsmen were deemed to maintain a 'business household', and to belong to the middling sort. Any gentleman living on unearned income was judged to rank socially above the middling sort. Equally, anyone working for wages, such as labourers and servants, was regarded as having lower social status, and falling below the middling sort's definition.

However, changes in constables' social status across time, or their relative status within communities, could not be properly evaluated without refining D'Cruze's definition of the middling sort to reflect occupations' differing prestige or economic returns. Historians and contemporaries have used several means to assess the relative cachet of certain middling occupations. David Cressy's early modern study linked literacy rates to a trade's standing, finding highly literate grocers and drapers amongst the 'commercial elite' of country towns, whilst less literate builders engaged in heavy, dirty work that required 'more brawn than brain'.¹¹⁰ A contemporary analyst of electoral petitioners' occupations in 1774 deemed those engaged in luxury trades, such as coachmakers and linen drapers, to be pursuing 'higher class' occupations, whilst building and shoemaking were 'lower class'.¹¹¹ R. Campbell's 1747 *London Tradesman*, discussed the set-up costs, expected returns and level of 'genius' required to undertake over 300 occupations, to guide parents in choosing suitable trades for their offspring.¹¹² The results of Cressy's, Green's and Campbell's assessments are summarised in Table 1.1 below.

¹¹⁰ David Cressy, *Literacy and the Social Order. Reading and writing in Tudor and Stuart England*, (Cambridge: CUP, 1980), pp.130-135.

¹¹¹ Green, 'Taxonomy', pp.165-166. For London trades' comparative esteem see also, M. Dorothy George, *London Life in the Eighteenth Century*, (Harmondsworth: Penguin, 1985), Chapter 4.

¹¹² R. Campbell, *The London Tradesman*, (London: 1747).

Despite the conflicts between each categorisation, it can be deduced from Table 1.1 that retailers, professionals and luxury goods suppliers were considered to have higher-status middling occupations. Two further sets of middling traders enjoyed equally high social status in rural Hertfordshire. Farmers and other

**Table 1.1: Hierarchy of Middling Occupations
Ranked by Status, Skills or Set-Up Costs**

Occupations of 255 Westminster electoral petitioners in 1774, classified by an unknown eighteenth-century analyst. (Green)			
<i>‘trades of a higher class’</i> Professions and luxury trades:- Apothecaries Coachmakers Coal merchants Linen drapers Furniture makers or dealers		<i>‘trades of the lower class’</i> Artisans and dealers:- Bricklayers Staymakers Carpenters Watchmakers Glaziers Stable-keepers Pawnbrokers Tailors Wig makers Chandlers Shoemakers Hatters	
Occupations classified according to distribution and use of literacy skills, 1580-1700. (Cressy)			
<i>‘Clean, respectable’</i> Apothecaries Drapers Grocers Ironmongers Retailers	<i>‘Skilled craftsmen’</i> Clothiers Innkeepers Saddlers	<i>‘Simpler skills’</i> Blacksmiths Carpenters Millers Butchers	<i>‘Heavy’/ ‘dirty’</i> Bricklayers Masons Thatchers
London occupations classified according to estimated set-up costs in 1747 (Campbell)			
Cabinet makers	£200-£2,000	Sawyer	£0
Fellmongers	£500-£2,000	Tailor	£0-500
Grocers	£500-£2,000	Barber, wig maker	£10-£200
Pawnbrokers	£500-£2,000	Butcher	£20-£100
Coach makers	£500-£3,000	Watchmaker	£50-£100
Drapers	£1,000-£3,000	Saddler	£50-£500
Lace-men	£1,000-£10,000	Baker, plumber, shoemaker,	
Brewers	£2,000-£10,000	wheelwright	£100-£500

Sources: Edmund Green, ‘The taxonomy of occupations in late eighteenth-century Westminster’, pp.166-167; David Cressy, *Literacy And The Social Order*, pp.130-134; R. Campbell, *The London Tradesman*, (1747), pp.331-340.

cultivators underpinned eighteenth-century Hertfordshire's agricultural economy, and contemporary trade directories placed brewers and maltsters amongst Hertfordshire towns' principal traders.¹¹³ At the lower end of the middling hierarchy, those in the building trades are generally listed as lower-status in Table 1.1. Campbell's 1747 commercial guide also advised that blacksmiths required 'great Strength of Body and a sound Constitution to bear the Labour', and that 'a Boy of weakly Constitution can make no Hand' as a wheelwright, indicating that both were heavy manual trades pursued by lower-status individuals.¹¹⁴ Finally, King deemed shoemakers and cordwainers to be as economically vulnerable as labourers, because most were poor employees, or often unemployed.¹¹⁵

Based upon the above evaluations, Table 1.2 below shows the categories of middling occupations deemed to have had higher, mid-range, or lower middling status in eighteenth-century Hertfordshire for the purpose of this study's analysis. These categories appear in Appendices 3 and 4, with a list of trades within each

Table 1.2: Hierarchy of Middling Occupations in Hertfordshire

Higher-Status Middling Occupations	Mid-Range Middling Occupations	Lower-Status Middling Occupations
Cultivators Retailers Luxury goods makers Brewers and maltsters Professionals	Clothiers Food and drink Craftsmen Transport Leatherworkers	Builders Heavy trades Shoemakers

¹¹³ William Bailey, *Bailey's British Directory*, (London: 1784); Peter Barfoot and John Wilkes, *The Universal British Directory of Trade, Commerce, and Manufacture*, Vol.II, (London: c.1790-1799); Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.III; Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.IV. [Hereafter, the *UBD*.]

¹¹⁴ Campbell, *Tradesman*, 1747, p.181, p.231.

¹¹⁵ Peter King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present* No.183, (2004), pp.140-141, citing Thomas Sokoll, *Household and Family Among the Poor: the Case of Two Essex Communities in the Late Eighteenth and Early Nineteenth Centuries*, (Bochum: Universitätsverlag Dr. Norbert Brockmeyer, 1993). Similar conclusion in, Walker, 'Differentiation', p.165.

category, and are discussed further in Chapter Four. The gentry and anyone living on unearned income were considered herein to have enjoyed higher social status than the higher-status middling men in the left-hand column. Labourers, servants and anyone known to be working for wages were deemed to have had lower social status than the lower-status middling traders in the right-hand column.¹¹⁶

Samples and Sources

Existing studies of eighteenth-century constables are often relatively limited in their time periods or geographical scope, or are tangential to histories of crime and justice. This research aimed to produce a focused study of constables' operation across a rural county and a lengthy period through analysis of datasets substantially larger than any previously compiled and a broader sampling of primary sources. Beattie described the county as 'the most useful and natural geographic unit of study' when examining Surrey's and Sussex's courts, because it allowed him to identify variations in offending and indictments between rural parishes and those within London.¹¹⁷ A countywide survey of Hertfordshire similarly enabled examination of constables' operation in three different environments: across the urban-rural divide, in parishes with major roads or in more isolated locations, and in areas very close to, or more distant from, London.

Eighteenth-century Hertfordshire had 131 parishes, most containing one town or village and its outlying areas.¹¹⁸ It had originally been intended to study all 131, but ten parishes proved unsuitable due to administrative conflicts or missing records. Hertford and St Albans comprised three and four parishes respectively, were governed by a mayor and aldermen, and operated borough quarter sessions

¹¹⁶ Definitions and categorisations further discussed in Chapter Four.

¹¹⁷ Beattie, *Crime and Courts*, p.5, pp.10-11.

¹¹⁸ For map see Figure 2.1, Chapter Two.

independent from those governing the rest of Hertfordshire.¹¹⁹ The remaining 124 parishes fell under the jurisdiction of officers from the county, parish and manor, meaning that St Albans' and Hertford's administrative distinctions made it difficult to compare its procedures with the rest of the county. Royston conformed to the required administrative model but straddled the county border and shared decision-making with Cambridgeshire. For the remaining two unsuitable parishes, Broadfield became depopulated during the eighteenth century and had no independent surviving records, whilst Hatfield's remained in private hands, restricting access.¹²⁰ This left 121 parishes, or ninety-two per cent of the county's total, a far broader survey than previously attempted. Additionally, three parishes had hamlets with their own constables for some years; namely, Bayford (within Essendon parish), Hoddesdon (within Broxbourne) and Nuthampstead (within Barkway). The resultant 124 parishes and hamlets appear in Appendix 1 with their respective populations.

Identification of changes in practice over time required an extended study period. The availability of sources, and the need to produce a sizeable but manageable amount of data, limited the chosen period to the seventy years from 1730 to 1799. Latin remained the official language of court proceedings until 1732, rendering it more expedient to only consider sources produced after this date. Hertfordshire had abundant eighteenth-century archival materials for the ready collection and processing of substantial amounts of data but many sources became increasingly sparse for the later eighteenth century and intermittent after 1800,

¹¹⁹ BPP1835, *First Report of the Commissioners Appointed to Inquire into the Municipal Corporations in England and Wales*. Vol.XXIII-XXVI (Paper.116), pp.2887-2888 and pp.2923-2924.

¹²⁰ 'Broadfield', in *A History of the County of Hertford*, ed. William Page, Vol.III, (London: Online edition at www.british-history.ac.uk [accessed 19th February 2013], originally published by Victoria County History, 1912). Hatfield's parish and manorial records remained at Hatfield House until 2014, with restricted access.

rendering analysis less coherent thereafter.¹²¹ The study consequently ends in 1799, after the social and economic changes of the later-eighteenth century that increased constables' workloads, but before the agricultural and social crises of the early nineteenth century that eroded social relations in the countryside, spurred London's policing reforms and raised questions over whether rural constables could combat any perceived rises in crime.¹²²

Hertfordshire's 121 parishes and three hamlets appointed at least one constable annually, as shown in Appendix 1. This study aimed to identify the individual appointed in every year from 1730 to 1799, with each year's appointment denoted a *constable-year*. For example, Therfield appointed one constable annually giving seventy-constable years to find, whilst Cheshunt had three constables and 210 constable-years. The 124 parishes and hamlets made 11,918 individual appointments from 1730 to 1799 and research identified the men taking office in 4,172 of them, or thirty-five per cent. This cohort was many times larger than the few dozen officers used by previous studies and included constables from every parish in Appendix 1. Many Hertfordshire constables held office for longer than a year, so only 2,070 men served these 4,172 constable-years, giving over two years' average service each. If the 2,070 men are also deemed to be thirty-five per cent of acting constables, then around 5,900 men served Hertfordshire from 1730 to 1799.

Analysis depended upon the preparation of three types of *Access* database: a countywide database of service patterns, a countywide database of constables'

¹²¹ *Hertfordshire Militia Ballot Lists*, (Transcribed by Hertfordshire Family History Society, 2008), CD Rom. Unless otherwise stated, all sources originate in Hertfordshire Archives and Local Studies, Hertford - HALS. Other archives consulted, Berkhamsted Local History and Museum Society, Dacorum Heritage Trust, Berkhamsted - DACTH; London Metropolitan Archives, London, EC1 - LMA; The National Archives, Kew - TNA.

¹²² Philips and Storch, *Policing Provincial England*, pp.38-39. On perceived increases in crime, V. A. C. Gatrell, 'Crime, authority and the policeman-state', in *Cambridge Social History of Britain, 1750-1950*, ed. F. M. L. Thompson, Vol.3, (Cambridge: CUP, 2002 digital edition), pp.250-254.

occupations, and a local database for each of the 121 studied parishes.¹²³ The countywide service database recorded 2,070 men's parishes and their years served, tracked constables' movements between parishes and allowed easy calculation of service patterns. The countywide occupations database allocated codes to 1,193 constables' occupations and organised them into the groupings discussed in Chapter Four. These two databases established countywide averages and trends for comparison with the 121 individual parish *Access* databases. The latter included dated entries of constables' names, appointments, accounting periods, occupations, personal details and any incident involving them. They also recorded parish and manorial officers, signatories to parish sources and many of the people referred to in them. The parish databases additionally disclosed relationships between various officers, service patterns and local funding policies.

The county's transcribed and printed *Militia Lists* for each of the 124 studied parishes and hamlets represented a key resource and starting point for identifying constables.¹²⁴ The *Militia Act 1757* required constables to compile annual lists of men eligible to serve in the county's militia and their occupations.¹²⁵ The lists also gave men's reasons for exemption from militia service, such as disability, too many children, or holding the office of constable. Most parishes had lists for 1758 to 1785 (or 1786) but a fifth, mainly from south-eastern parishes, had lists until 1801. Any missing years were distributed randomly; for example, Berkhamsted's covered 1758 to 1765, 1768 to 1769, 1772, 1775, 1778 and 1781 to 1786, and service details were easily inferred for the absent pairs of years. The names, occupations and any personal information on constables were entered into the relevant service, occupational and parish databases. Any constable found in other sources was also cross-referenced

¹²³ Information for the three hamlets appeared within their parent parish's database.

¹²⁴ *Militia Lists*

¹²⁵ Constables' militia duties discussed in Chapter Five. 1757, *Militia Act*, 30 Geo.II c.25.

with these lists. The *Militia Lists* identified three-quarters of Hertfordshire's 2,070 known constables and 1,115 of their 1,193 occupations, or ninety-three per cent. This data provided a comprehensive picture of serving constables in every parish for a thirty-year period, at least.

The 1,500 or so constables' names from the *Militia Lists* gave reference points for subsequent research amongst other parish records. The most important were the accounts prepared by constables and submitted to the vestry at the end of each year in office, claiming repayment of money spent and fees for certain duties. The accounts identified more of the county's constables and often disclosed their place of appointment, length of service and workload. All details of constables, their duties and the people they encountered were added to the relevant *Access* databases. However, constables were funded in three ways – by the county, the parish and prosecutors – so their parish accounts recorded a limited proportion of work undertaken. Even then, the accounts only documented work the constables claimed for. Any unpaid duties were omitted, and inactive constables who claimed expenses assiduously may erroneously be deemed more effective than active constables with lax accounting methods. Notwithstanding this, the accounts represented the most direct and valuable link to the constables themselves. Seventeen parishes, evenly distributed across the county, had constables' accounts for various years and with differing detail. These included the rare survival of Berkhamsted constables' account book for 1747 to 1819, allowing detailed analysis of constables' changing activities and pay over time.¹²⁶ In all, 309 individual annual accounts survived, including 104 from Berkhamsted's two constables, and all were examined. The accounts were more numerous than those used by earlier studies. The number of annual accounts rendered countywide from 1730 to 1799 would have matched the total number of constables

¹²⁶ Berkhamsted, Constables' Book 1747-1819, DACT:BK11535.

appointed, or 11,918. The surviving 309 accounts thus comprised under three per cent of these and cannot be deemed representative for the entire county. However, Berkhamsted's complete coverage of the period provided unparalleled insight into one parish's operation and many points of comparison for parishes countywide.

The seventeen parishes with constables' accounts were first chosen for wider study. Working on a parish by parish basis to retain familiarity with names, all relevant records of these parishes were surveyed. Twelve of the seventeen parishes had vestry minutes covering at least ten years from 1730 to 1799 which often recorded constables' participation in parish activities, personal information and details of their appointment. However, vestries were not required to keep minutes and Hertfordshire's rarely recorded lists of attendees or documented business in any detail. Cheshunt's meticulously kept, copious records provided a unique contrast and also indicated how business might have been conducted elsewhere. Overseers' and churchwardens' accounts for these seventeen parishes were also checked for payments to constables, poor law actions involving constables and the names of parish officers, all of which were entered into that parish's *Access* database.

Hertfordshire Archives' catalogues for the 121 studied parishes revealed forty-eight sets of vestry minutes, including the twelve above.¹²⁷ Thirty-four of these were examined, or seventy per cent, prioritising parishes with vestry minutes, churchwardens' and overseers' accounts on microfilm. Microfilms were available in Hertfordshire Archives' reading room without waiting for timed retrievals from storage and contained numerous sources from each parish for efficient data collection. Kent assessed the comparative status of Tudor and Stuart constables from rating lists in her nine studied parishes, but neither rating nor tithe records were

¹²⁷ Hamlets did not hold separate vestries.

examined for the eighteenth century, even if available on microfilm.¹²⁸ A test analysis on Chipping Barnet's rating lists required a disproportionate amount of research time due to their illegibility and the need to then locate constables amongst several hundred ratepayers. The data generated did not justify the research time and a meaningful proportion of the 2,070 known constables could not be considered without adversely affecting the study's main aims. There was also no attempt to garner constables' personal details from birth, marriage and death registers due to time constraints, name conflicts between generations and because familial relationships fell outside the study's parameters. In addition to vestry minutes and accounts, all relevant sources appearing in Hertfordshire Archives' catalogues were examined for references to constables, including vicars' surveys and personal notebooks, warrants and settlement papers. There were no constables' diaries or notebooks for the eighteenth century, nor constables' accounts rendered to victims of crime or to the county amongst examined records.

Constables originated as manorial officers and Hertfordshire's parish records indicated that manorial courts leet still appointed a significant proportion of eighteenth-century constables. The underused manorial records presented research challenges because they are not microfilmed and are rarely as well catalogued as parish records. For example, searches for Barnet and Therfield manors' court leet records in Hertfordshire Archives and the London Metropolitan Archives' (LMA) online catalogue proved fruitless.¹²⁹ A Google search of a Barnet constable's name located a transcribed page from a court book on a genealogy website and a reference number for the defunct Guildhall Library, London. From this, the LMA traced Barnet's court leet books, reporting that they appeared in paper catalogues only, not

¹²⁸ Kent, *Village Constable*, Chapter Four.

¹²⁹ At the start of research in 2013.

online. The LMA's paper catalogues also listed Therfield's missing leet records. The *Manorial Documents Register* online indicated that thirty-five of the 121 target parishes had corresponding manorial records for most years between 1730 and 1799, but not necessarily court leet records: several inspected at Hertfordshire Archives related to land transactions in courts baron, not constables' appointments.¹³⁰ Even where leet records survived, they were not always suitable for study. Pirton Manor recorded proceedings for both courts leet and baron on loose pages, now stored together in four large boxes, and a day's search found few relevant documents.¹³¹ As a result, this study prioritised bound manorial court books because they comprehensively documented proceedings over extended periods and were highly legible, enabling the collection of significant amounts of data upon constables and other officers, appointment procedures and some offending. The manors serving nine parishes had bound volumes *and* numerous parish sources to supplement them. These nine parishes belonged to five different manors: Cheshunt and Therfield Manors ran their own courts, Chipping Barnet and East Barnet belonged to the same manor and shared a court, Hemel Hempstead Manor included Bovingdon parish, and Berkhamsted Manor included Aldbury and Northchurch. Barnet, Hemel and Berkhamsted Manors also appointed constables for parishes outside the county, but these were excluded from the study. For instance, Barnet Manor appointed officers for South Mimms in Middlesex. Including Pirton's loose leaf records, six separate sets of manorial documents covering ten parishes were examined. This represented eight per cent of the 121 parishes in Appendix 1. However, Cheshunt, Therfield, Barnet and Berkhamsted manors lay at the four extremes of the county and showed remarkable similarity in their court proceedings that also matched the procedures in

¹³⁰ *Manorial Documents Register*, The National Archives,
<http://discovery.nationalarchives.gov.uk/manor-search>.

¹³¹ Pirton Rectory Manor, Draft Court Rolls and Miscellaneous Papers 1656-1811, 48843-49021.

Hemel Hempstead Manor and contemporary court leet manuals. These records were likely representative of manorial practice countywide.

Attention then moved to the quarter and petty sessions records that documented magistrates' directions, offending, constables' duties and major incidents in the county. Hertfordshire had two quarter sessions divisions: Hertford and the Liberty of St Albans. Hertford Quarter Sessions' rolls, sessions books and minute books survive for 1581 to 1850, but the Liberty's are missing before 1758 and intermittent until 1784.¹³² The original quarter sessions rolls consist largely of extraneous documents with little bearing on eighteenth-century constables and seldom recorded the decisions of the court. These decisions were instead set out in the Sessions and Minutes Books, both of which were summarised, transcribed and printed in the early twentieth century.¹³³ The printed summaries do not contain full reports of proceedings but were used in preference to the manuscript copies for several reasons. Firstly, their editor asserted that 'every person and place and all subjects mentioned in the original documents, even if only briefly, are noted...'.¹³⁴ Their full indices gave names and places for quick reference, the introductions to each volume highlighted key incidents and provided rudimentary analysis of crime statistics, and appendices listed, *inter alia*, active magistrates and manorial lords countywide. Furthermore, a complete set for Hertford and the Liberty could be purchased, making them more available, legible and practical than the originals. Kent also used the same printed summaries in her Tudor and Stuart study, allowing the present study to compare like with like. The original quarter sessions' sources

¹³² Hertfordshire's courts discussed in Chapter Two.

¹³³ Hertfordshire's courts discussed in Chapter Two. Hertford County Records, *Calendar To The Sessions Books, or Notes and Extracts From The Sessions Records*, 1581-1850, Vols.I-IX. (Various dates, editors, and publication details).

¹³⁴ William Le Hardy, ed., *Quarter Sessions and Other Records in the Custody of the Officials of the County*, (Hertford: Neville Moon, 1961), pp.12-14, p.20.

perhaps provided more detail of proceedings, but their use would have required limited sampling of years and restricted this study's scope. The printed summaries covered all seventy years, so no justices' directions, incidents, reforms, or references to Hertfordshire's 2,070 constables and case-study parishes were missed for 1730 to 1799. They also allowed some names and incidents from parish records to be followed through quickly into court proceedings, identifying some parishes' recidivists. This wide-ranging use of printed summaries added another layer of information to the *Access* databases, helped build timelines of parish activity and gave a better overview of policing countywide than the original sources ever could.

Hertfordshire's justices also settled matters in less formal petty sessions, but only Barnet Petty Sessions' books survive for 1750 to 1773, and 1796 to 1797.¹³⁵ These identified yet more constables and gave insights into constables' relationships with magistrates or their communities. Hertfordshire's assize records were not examined because only five references to the assizes were found in the 309 constables' accounts, and there is little other evidence of constables' involvement in prosecuting the county's major crimes. Kent only used assize records to examine legal suits brought against constables, so this study only considered constables' responsibilities to make returns to the assizes on local matters.¹³⁶

Finally, all quarter sessions' returns on vagrancy and petty offending were examined for constables' activities and their fees, although these sources were too few and too uneven to allow analysis of trends in offending.¹³⁷ The St Albans

¹³⁵ Chipping Barnet and South Mimms, Petty Sessions Minute Book 1750-1764, PS/2/2/2; Chipping Barnet, Petty Sessions Minute Book 1765-1773, PS/2/2/3; Chipping Barnet, Petty Sessions Minute Book 1796-1797, PS/2/2/1.

¹³⁶ Kent, *Village Constable*, pp.12-13.

¹³⁷ Constables' Allowances for Passing Vagrants 1753, QSMisc B131(2); Account Book of County Treasurer for Vagrancy Payments and Receipts 1740, QSMisc B132(2); Accounts for the Conveyance of Vagrants, Relief, etc. 1782-1792, QSMisc B132(3); [County] Vagrancy Accounts 1793-1795/6, QSMisc B132/4; Warrants and Rewards for Apprehending Vagrants 1742-1821, QSMisc B134; Original Summary Convictions 1746-1855, Bundle 1746-1779, QSC; Original Summary Convictions 1746-1855, Bundle 1780-1810, QSC.

Liberty's Gaol Books recorded some assaults on constables, their recognizances and availability as witnesses, or elaborated upon on incidents referred to in quarter sessions or parish records.¹³⁸ Again, such details were added to the relevant *Access* databases. Petty constables sometimes acted under the direction of the county's high constables and sheriff or rendered bills to the county for patrolling major incidents and assisting in some prosecutions. No such operational accounts survived amongst examined sources (or are referred to in the printed summaries), although they may yet be found amongst the original quarter sessions rolls. With the exception of the latter rolls, an exhaustive search of separately filed quarter and petty session manuscripts was undertaken.

Archival sources documented the duties constables actually carried out, but printed practice guides set out how constables perhaps *ought* to act. Magistrates, constables and parish officers received no formal training for office, so practice manuals proliferated during the seventeenth and eighteenth centuries, generally written by justices or legal scholars.¹³⁹ Justice Richard Burn produced detailed guides for magistrates that summarised statutes, gave examples of practice from case law, set out the duties of constables and other local officers, and contained precedent warrants or proceedings for magistrates' use. Burn's soon became the magistrates' manual of choice and had reached nineteen editions by 1800.¹⁴⁰ However, manuals projected only their authors' views on constables' duties, and many plagiarised one another, Jacob complaining in 1738 that '*Parish Law*' had 'notoriously transcribed whole pages verbatim from me'.¹⁴¹ Others ran to several editions without recording

¹³⁸ St Albans Liberty, Gaol Book 1, Easter 1770 - Midsummer 1786, LSGB1; St Albans Liberty, Gaol Book 2, Michaelmas 1786 - Michaelmas 1807, LSGB2.

¹³⁹ On the history of practice manuals, John A. Conley, 'Doing it by the Book: Justice of the Peace Manuals and English Law in Eighteenth Century America', *Journal of Legal History*, Vol.6, No.3, (1985).

¹⁴⁰ Particularly, Richard Burn, *The Justice of the Peace and Parish Officer*, Vols.I-III (London: Sixth edition, 1758). Discussions of eighteenth-century manuals' use include, Gray, 'Making Law', p.213.

¹⁴¹ Giles Jacob, *The Compleat Parish-Officer*, (London: Eighth edition, 1738), p.4.

changes in legislation, giving the false impression that the law and constables' responsibilities remained static. Burn's justices' guides were adopted as the definitive texts on constables' duties because they consistently cited and reflected changes in statute and common law. Guides for constables, such as Hallifax's 1791 *Constables' Sure Guide*, similarly abridged statutes and presented case studies, but it is unknown how many Hertfordshire constables used them.¹⁴² Only two practice manuals survived in Hertfordshire's archives, both dated 1744, the year of changes in the vagrancy laws.¹⁴³ All of the practice manuals cited herein detailed constables' duties, the statute or common law prescribing their authority, magistrates' powers over constables, and court procedures that might not be discernible from parish sources. Additionally, manuals revealed contemporary expectations of constables and their office, including the desirable qualities prospective constables should possess, and how they should conduct themselves in office.

Finally, only five issues of Hertfordshire newspapers survived, all from the 1770s, but each had few pages, and provided no information on constables or incidents in which they had been involved.¹⁴⁴ Instead, searches for selected events or persons were undertaken in an online newspaper database.¹⁴⁵ In summary, a substantial proportion of archival records on Hertfordshire petty constables' activities were examined, and those manuscript sources were supplemented with information from online databases and eighteenth-century printed materials.

The following chapters consider and analyse the above sources to provide unique insight into the men acting as Hertfordshire's constables, their duties and the

¹⁴² Charles Hallifax, *The Constable's Sure Guide; or Every Constable his own Lawyer*, (London: Printed for S. Bladon, Second edition, 1791).

¹⁴³ See Chapter Six. Walkern, *Jacob's Law Dictionary* 1744, in Miscellaneous, D/P114/29/13; Welwyn, *Parish Officer's Pocket Companion* 1744, in Miscellaneous, D/P119/11/3.

¹⁴⁴ *Hartford Mercury*, 4th and 18th September 1772; 17th and 24th March, 4th September 1775.

¹⁴⁵ *British Newspapers 1600-1900*, Gale-Cengage Learning, www.gale.cengage.co.uk.

environment in which they operated. Chapter Two establishes the geographic, economic, judicial and administrative frameworks within which constables worked, and discusses the officers staffing local government institutions. How constables entered office is considered in Chapter Three, including the persons and institutions appointing them, how communities selected constables, and how men might avoid office. Commitment to the office of constable, or the *constableness*, is examined through constables' oaths of office, the incidence of men engaging proxies to serve on their behalf, and their length of service. Chapter Three finally discusses how parishes trained and funded their constables. Men's suitability for office is examined in Chapter Four, based upon central government's directives, justices' recommendations and the advice of practice manuals. It then considers how far Hertfordshire's constables met these ideals, personally, physically and economically. Analysis of occupational data informs conclusions on constables' social status, changes in that status, and constables' relative standing amongst their communities and fellow officeholders. Chapter Four also enquires into constables' officeholding patterns, and whether the constableness represented the lowest rung on an officeholding ladder.

The remaining three chapters examine constables' duties. Chapter Five discusses constables' responsibilities for arresting suspects, investigating offences and suppressing, or preventing, large-scale disorder. It also considers their county-administrative roles, including enforcing statutes, providing information and acting as liaison between magistrates and their communities. Constables in some Hertfordshire parishes also shouldered heavy vagrancy administration workloads. Chapter Six examines constables' powers of arrest under vagrancy laws, their discretion in doing so, their actions towards the travellers they chose not to arrest, and the effect of social changes on their workloads. The removal process is

discussed, including the paperwork issued, the costs incurred, and constables' fees and rewards. Finally, Chapter Seven contains analysis of Berkhamsted constables' accounts to determine the balance between constables' county and parish responsibilities. Within parishes, constables are again seen enforcing the directives of higher authorities, but also lending their specialist skills to fellow officers. Constables are further positioned as key figures in the making and implementation of local social policies.

Chapter Two

‘wholesome air and pleasant situations’¹

Hertfordshire’s Geography, Economy and Administration

A recurring theme of this study is that Hertfordshire’s constables did not act in isolation, but were instead one of a network of officers who operated within complex lines of authority. This chapter discusses Hertfordshire’s local government institutions, and the county, parish and manorial officers who directed, or worked alongside, petty constables in the maintenance of order, the administration of justice, the provision of social care and control, and the organisation of local governance.

Hertfordshire’s eighteenth-century constables fulfilled a tripartite role. They firstly acted as agents of higher authority by communicating and enforcing central government legislation and justices’ directives within their communities. Secondly, constables represented the interests of their community, or reported upon its activities, to higher authorities. Thirdly, when communities appointed constables, they conferred a locally sanctioned authority to carry out specific duties, usually within the bounds of that community. Kent concluded that these three functions placed constables in an ‘interhierarchical’ role that obliged them to operate in two capacities.² Whilst agents of higher authority, constables represented the ‘lowest

¹ John Aiken, *England Delineated; or, a Geographical Description of Every County in England and Wales*, (London: Second edition, 1790), p.248.

² Kent, *Village Constable*, pp.13-23.

officer in a hierarchy of authority which stretched from the monarchy to the village'. At same time, local officeholding made the constable one of the local leaders, tasked with preserving the community's interests and maintaining order.³

The constable's interhierarchical position is depicted in the diagram in Appendix 2 (hereafter, the 'Hierarchy Diagram'), which shows constables' official connections to Hertfordshire's local government institutions and their officeholders. In this diagram, the institutions appear in ovals and their officers in rectangles. The social and administrative importance of each are, broadly speaking, indicated by their relative positions in the diagram. Some of the many personal connections that constables maintained in their communities are also shown, demonstrating that constables lived and worked amongst the people they served.

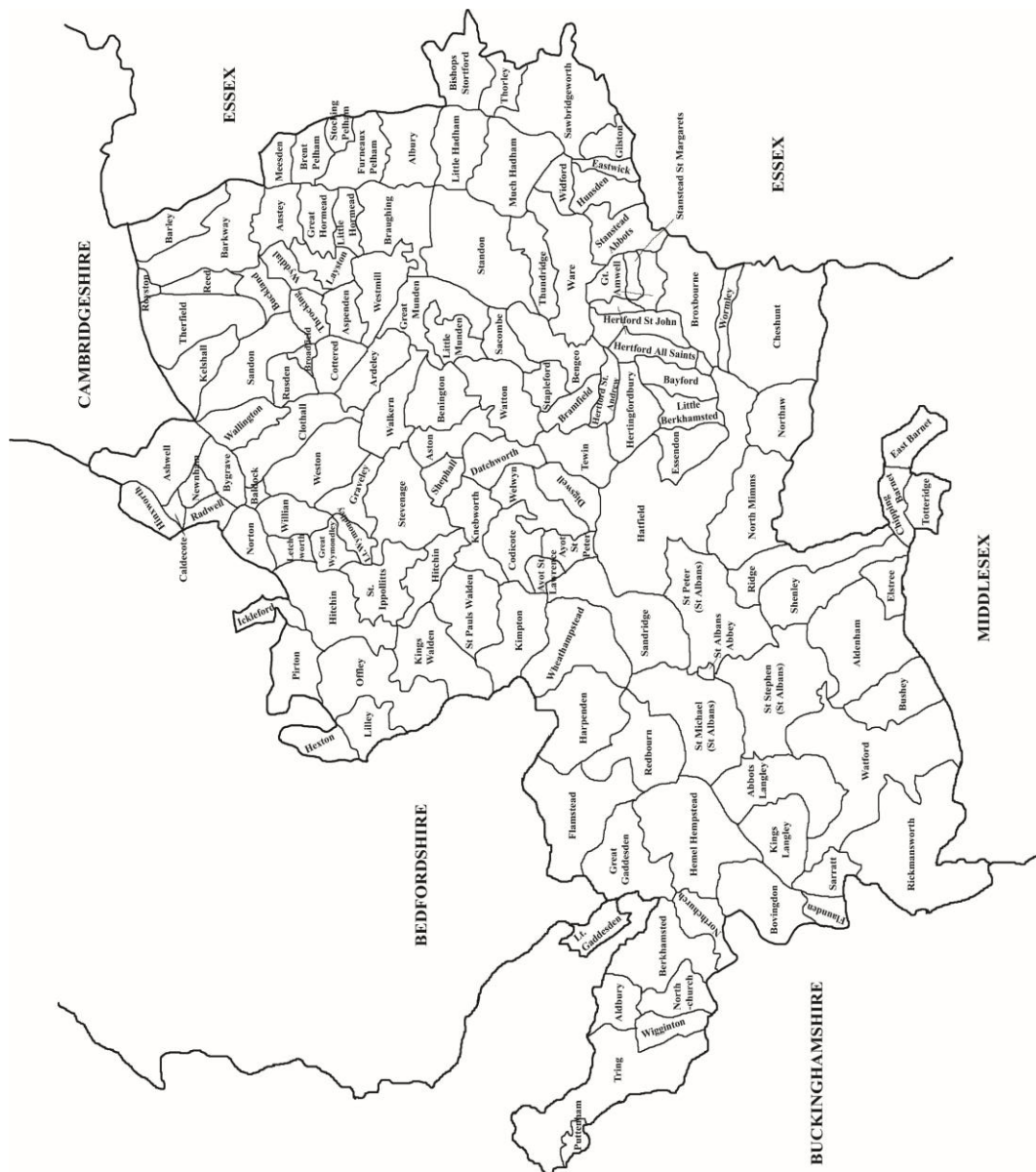
At only twenty-five miles long and thirty-five miles wide, Hertfordshire is one of England's smallest counties and had a population of 97,577 in 1801.⁴ The map in Figure 2.1 below shows Hertfordshire surrounded by five other counties, and its southern border lies under fifteen miles from central London. Appendix 1 lists the 124 parishes and hamlets being studied, each comprising a single town or village and its surrounding areas. In turn, these belonged to one of eight administrative *hundreds* shown in the map in Figure 2.2 below; namely, Braughing, Edwinstree, Odsey, Hitchin, Hertford, Broadwater, Dacorum and Cashio.⁵ From the 1801 population figures in Appendix 1, it can be calculated that three-quarters of Hertfordshire's parishes and hamlets had fewer than a thousand inhabitants, more than half had under 500 inhabitants, and a fifth contained fewer than 200 people. Even Watford, the most

³ Kent, *Village Constable*, p.21. On the inherent conflicts of interhierarchical roles see, Kent, *Village Constable*, Chapter 7.

⁴ BPP1831, *Comparative Account Of The Population Of Great Britain In The Years 1801, 1811, 1821, and 1831*. Vol.XVIII.1 (Paper.348), p.117. E. A. Wrigley, 'English county populations in the later eighteenth century', *Economic History Review*, Vol.60, No.1, (2007), p.54 gives an 1801 population of 102,048.

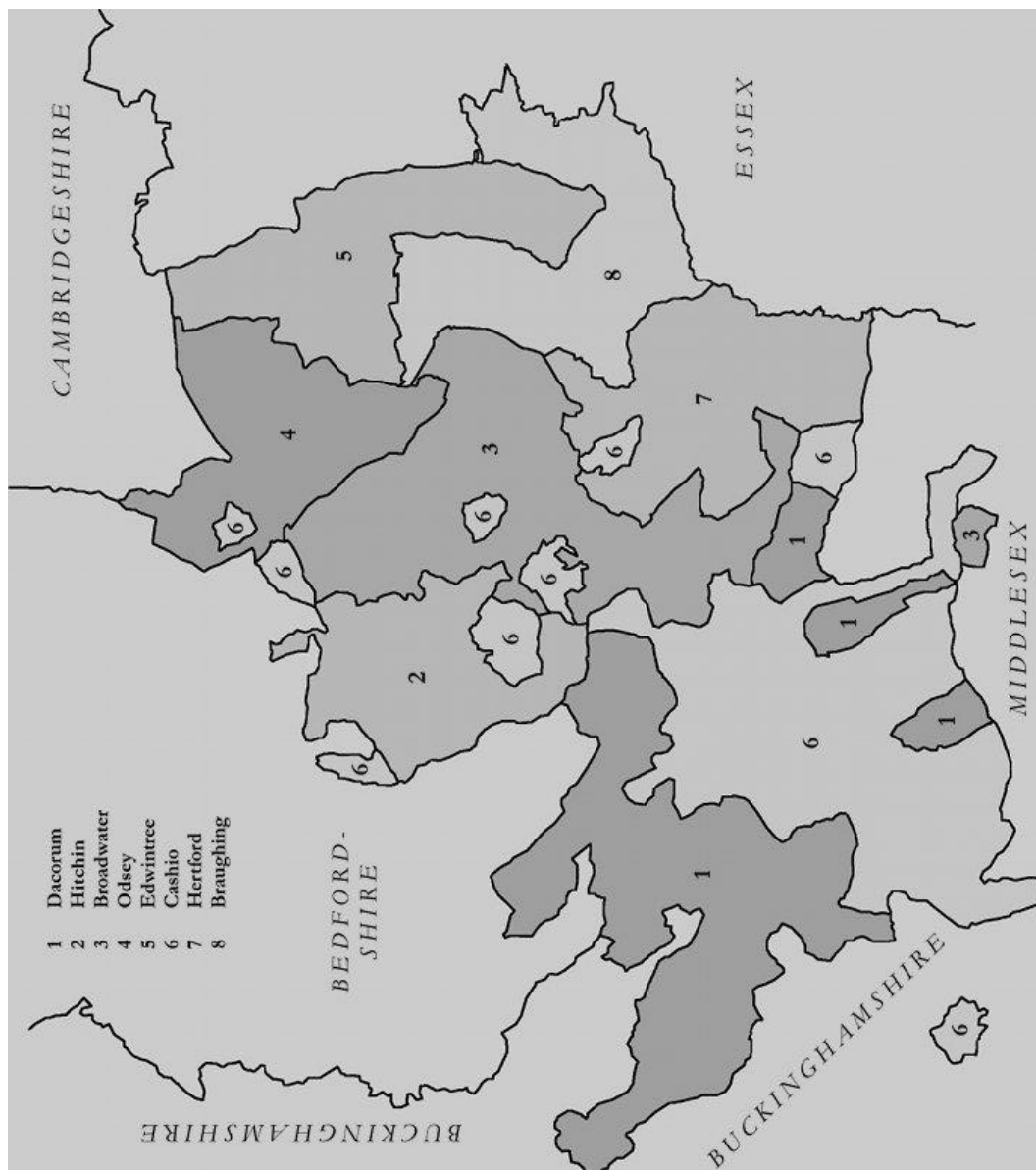
⁵ See Figure 2.2 below.

Figure 2.1: Map of Hertfordshire Parishes



Source: © Elaine Saunders

Figure 2.2: Map of Hertfordshire's Administrative Hundreds



Source: © www.alexmidd.co.uk

populous parish studied here, had only 3,530 residents, with 2,118 living in the town itself, and the remainder in outlying areas.⁶ London's population more than doubled during the eighteenth century to 1.1 million in 1801, whilst Middlesex's, Kent's and Surrey's increased by around fifty per cent each from 1761 to 1801. Conversely, Hertfordshire's population rose by only six per cent in the same period, meaning the population figures in Appendix 1 remained relatively stable throughout the eighteenth-century.⁷ Despite their small populations, Nathaniel Salmon asserted in 1728 that Hertfordshire had fourteen 'considerable' markets or fairs at Bishops Stortford, Ware, Hatfield, Hemel Hempstead, Berkhamsted, Tring, (Chipping) Barnet, Watford, Rickmansworth, Hitchin, Baldock, Royston, Hertford and St Albans.⁸ By 1801, Salmon's fourteen towns – together with Cheshunt, Sawbridgeworth, Stevenage, Hoddesdon, Standon and Ashwell – had the county's largest populations, but none achieved true regional significance.⁹ In fact, John Aiken in 1790 deemed Hertfordshire's towns 'of small account', with Hertford itself a 'place of very little consequence'.¹⁰

London's proximity retarded eighteenth-century Hertfordshire's urban growth, causing it to remain a county of small towns.¹¹ The landowning elite turned to the capital for information, commodities, entertainment and business, rather than rely upon local services.¹² London also attracted large numbers of the Home

⁶ Nigel Goose, 'Urban Growth and Economic Development in Early Modern Hertfordshire', in *A County of Small Towns: the Development of Hertfordshire's Urban Landscape to 1800*, ed. Terry Slater and Nigel Goose, (Hatfield: University of Hertfordshire Press, 2008), p.116.

⁷ London's population 630,000 in 1715 and 1,096,784 in 1801, Tim Hitchcock, Sharon Howard, and Robert Shoemaker, 'A Population History of London', *London Lives, 1690-1800*, (2012, version 1.1), www.londonlives.org, [accessed 16th May 2016]; Wrigley, 'English county populations', p.54.

⁸ Nathaniel Salmon, *The History of Hertfordshire*, (London: 1728), p.6.

⁹ Goose, 'Urban Growth', p.115, p.119.

¹⁰ Aiken, *England Delineated*, 1790, pp.248-249.

¹¹ Goose, 'Urban Growth', p.119.

¹² Lawrence Stone and Jeanne C. Fawtier Stone, 'Country Houses and Their Owners in Hertfordshire, 1540-1879', in *The Dimensions of Quantitative Research in History*, ed. William O. Aydelotte, Allan G. Bogue, and Robert William Fogel, (Princeton: Princeton University Press, 1972), p.58.

Counties' lower-status migrants, particularly youngsters seeking education, employment and higher wages.¹³ Nevertheless, Hertfordshire was no rural backwater. It shared the distinction of having more shops than most counties – one for every twenty-nine people – and traders specialised, or supplied products sourced nationwide and internationally.¹⁴ Specialist crafts also flourished, including Berkhamsted producing bowls, spoons, shovels and lace.¹⁵ Most importantly, historian Samuel Simpson observed in 1746 that London's proximity made the county's market towns centres for the sale of grain from Hertfordshire and neighbouring counties.¹⁶ The capital required vast supplies of food, which stimulated agricultural production in surrounding areas, but also created business opportunities for brokers, carriers, drovers and innkeepers.¹⁷ By the seventeenth century, Hertfordshire's farmers had established reputations as skilled cultivators, and D. Walker's 1795 agricultural survey deemed Hertfordshire the 'first and best corn county in the kingdom'.¹⁸ This, William Ellis maintained in 1759, resulted from farmers loading returning waggons with London's organic wastes to replenish Hertfordshire's naturally poor soils, further illustrating the symbiosis of county and capital.¹⁹ Arthur Young's 1804 agricultural report concluded that such practices placed Hertfordshire at the forefront of eighteenth-century agricultural innovation

¹³ Joyce M. Ellis, *The Georgian Town 1680-1840*, (Basingstoke: Palgrave, 2001), pp.27-31.

¹⁴ With Surrey, Kent and Bedfordshire, C. W. Chalklin, 'South-East', in *Cambridge Urban History of Britain*, ed. Peter Clark, Vol.II 1540-1840, (Cambridge: CUP, 2000), p.63; Wrightson, *Earthly Necessities*, p.248.

¹⁵ Goose, 'Urban Growth', p.119; Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, p.279.

¹⁶ Samuel Simpson, *The Agreeable Historian, or the Compleat English Traveller*, Vol.II, (London: 1746), p.252.

¹⁷ P. L. Garside, 'London and the Home Counties', in *Cambridge Social History of Britain, 1750-1950*, ed. F. M. L. Thompson, Vol.I, (Cambridge: CUP, 2002 digital edition), pp.476-477; E. A. Wrigley, 'A Simple Model of London's Importance in Changing English Society and Economy 1650-1750', *Past & Present*, No.37, (1967), p.55.

¹⁸ On farmers' seventeenth-century proficiency, Thomas Fuller, *The Worthies of England*, (1662, abridged by John Freeman and republished London: George Allen & Unwin, 1952). D. Walker, *General View of the Agriculture of the County of Hertford, with Observations on the Means of Its Improvement*, (London: 1795), p.30.

¹⁹ William Ellis, *The Practical Farmer: or, the Hertfordshire Husbandman...* (London: Fifth edition, 1759), pp.214-215.

and influenced farming countrywide. He also found that farming, brewing, tanning and related occupations provided widespread employment, whilst London's nearness kept wages higher and gave more job security than elsewhere.²⁰ Enclosure of a manor's common land and open fields allowed farmers to consolidate landholdings and increase productivity, and Hertfordshire had been largely enclosed since the sixteenth century, so most land was farmed by tenants of substantial landowners employing annual labourers.²¹

London's demand for beer stimulated Hertfordshire's barley production, and a large-scale malting industry developed around Ware.²² The need to transport raw materials and send the finished products to London prompted road building under England's first turnpike legislation in 1663, whilst a consortium of maltsters and bargemen secured Improvement Acts in 1739 and 1767 to canalise the navigable River Lea in eastern Hertfordshire and connect with London's Limehouse Basin.²³ Additionally, several major roads crossed Hertfordshire, linking London with, inter alia, Norwich, Edinburgh and Carlisle.²⁴ Three of these thoroughfares – the Great North Road (now the A1), the Old North Road (now the A10) and the London-Aylesbury road (now the A41) – are shown on Figure 2.3 below. The heavy traffic

²⁰ Arthur Young, *General View of the Agriculture of Hertfordshire*, (London: 1804), pp.xv-xvi, p.31, pp.221-222. Contrast Garside, 'London', p.472, arguing that London's influence produced rural unemployment and low wages in Hertfordshire. Papermaking established in the Gade valley in the later eighteenth century, and women plaited straw for the hat trade, Anne Rowe and Tom Williamson, *Hertfordshire: a Landscape History*, (Hatfield: University of Hertfordshire Press, 2013), pp.263-264.

²¹ Donald N. McCloskey, 'The Enclosure of Open Fields: Preface to a Study of Its Impact on the Efficiency of English Agriculture in the Eighteenth Century', *Journal of Economic History*, Vol.32, No.1, (1972); R. C. Richardson, 'Metropolitan Counties: Bedfordshire, Hertfordshire and Middlesex', in *The Agrarian History of England and Wales. 1640-1750: Regional Farming Systems*, ed. Joan Thirsk, (Cambridge: CUP, 1984), p.261; Nigel Agar, 'The Hertfordshire Farmer in the Age of Industrial Revolution', in *Hertfordshire in History*, ed. Doris Jones-Baker, (Hertfordshire: Hertfordshire Local History Council, 1991), p.247.

²² Tony Crosby, 'The impact of industry on the market towns of east Hertfordshire', in *A County of Small Towns: the Development of Hertfordshire's Urban Landscape to 1800*, ed. Terry Slater and Nigel Goose, (Hatfield: Hertfordshire Publications, 2008), p.371.

²³ Crosby, 'Impact', pp.370-371.

²⁴ Edward Mogg, *Paterson's Roads; Being an Entirely Original and Accurate Description of All the Direct and Principal Cross Roads in England and Wales...* (London: Sixteenth edition, 1822), pp.223-4, p.307, p.316.

on these well-made roads made Defoe observe in 1724 that the number of carriages around Ware was ‘greater than any other Road about London’, and Hertfordshire’s towns capitalised on this lucrative coaching trade.²⁵ On the Great North Road, ‘an exceeding great thoroughfare’, Baldock had three inns in the 1790s (one newly built), whilst Bishop Stortford’s *Crown Inn* was of ‘the first consequence for the accommodation of noblemen and gentlemen’.²⁶ These roads also carried thousands of vagrants, and Shoemaker found highway robbers ‘a constant threat’ on London’s periphery.²⁷

Three of these Hertfordshire *thoroughfare* towns feature prominently in this study and are shown on the map in Figure 2.3: Cheshunt, Chipping Barnet and Berkhamsted. Cheshunt lies in the extreme south-east of Hertfordshire, adjacent to its borders with Essex and Middlesex, and had 3,173 inhabitants in 1801. George Cooke described Cheshunt in 1820 as ‘a large and agreeable village...the chief part of which is built along the sides of the road’; namely, the Old North Road running from London’s Bishopsgate, through Cheshunt and Ware, and then north to Royston on the Hertfordshire-Cambridgeshire border.²⁸ By 1710, thrice-weekly stagecoaches ran the thirteen miles between Cheshunt and the City of London.²⁹ Figure 2.1 shows that Chipping Barnet in southern Hertfordshire protruded into Middlesex, and provided a staging post eleven miles from London on the equally busy Great North Road.³⁰ Barnet had only 1,258 inhabitants in 1801, but attracted numerous visitors

²⁵ Daniel Defoe, *A Tour Thro' the Whole Island of Great Britain...* Vol.II, (London: 1724), p.190; Joyce Ellis, 'Regional and County Centres 1700-1840', in *Cambridge Urban History of Britain*, ed. Peter Clark, (Cambridge: CUP, 2000), p.681.

²⁶ Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, p.25, p.302.

²⁷ Robert B. Shoemaker, *The London Mob. Violence and Disorder in Eighteenth-Century England*, (London: Hambledon, 2004), p.45.

²⁸ G. A. Cooke, *Topography of Great Britain, or, British Traveller's Pocket Directory*, Vol.VIII, (London: c.1820), p.47.

²⁹ Anon., *A List of the Stage-Coaches and Carriers, and the Places and Times they come in and go out*, (London: 1710), p.6.

³⁰ Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, p.271.

HERTFORD SHIRE.

The arms of the Right Hon^{ble} the Earl of Salisbury

PART OF

BEDFORDS

ESSEX

BISHOPS STORTFORD

WARE

CHESHUNT

BARNET

BERKHAMSTED

POF CAMBRIDGE S.

MIDDLESEX

BUCKINGHAM

London-Aylesbury Road (Now A41)

Great North Road (Now A1)

Old North Road (Now A10)

English Miles. 1 2 3 4 5

65

to its markets and fairs, and catered for the 150 coaches passing daily through the town by the later-eighteenth century.³¹ Finally, Berkhamsted was twenty-nine miles from London, had a population of 1,690, lay on a peninsular in western Hertfordshire, and bordered Buckinghamshire on two sides.³² It had a ‘handsome broad street of good length’ which formed part of an ‘exceedingly good road’ between London and Aylesbury, with stagecoach connections to Birmingham and Banbury. Its weekly corn market had become ‘much decayed’ by the later-eighteenth century but a house-sale advertisement of 1758 extolled the benefits of the area.³³

‘It is not necessary to mention the Beauties this Country affords; it is also the agreeable Neighbourhood, the great Harmony that subsists among the different Families, the little Ceremony in visiting, the great and cordial Affection that there is between the Gentry...the great Sincerity and Hospitality that this Country abounds with is not to be met everywhere’.³⁴

Such attractions drew many new residents to Berkhamsted and other parts of Hertfordshire.

The county’s beautiful countryside and good roads made it a convenient location for newly wealthy merchants and parliamentarians looking to join the landed gentry by buying rural retreats or building villas within easy reach of Westminster and their London businesses.³⁵ Contemporaneously, the wealthiest of Hertfordshire’s noble and county-gentry families moved to isolated houses in walled parks,

³¹ Pamela Taylor, ‘Boundaries, margins and the delineation of the urban: the case of Barnet’, in *A County of Small Towns: the Development of Hertfordshire's Urban Landscape to 1800*, ed. Terry Slater and Nigel Goose, (Hatfield: Hertfordshire Publications, 2008), pp.263-264.

³² BPP1831, *Population*, p.115.

³³ Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, pp.278-279.

³⁴ *General Evening Post*, (London: 6th-8th June 1758).

³⁵ Rowe and Williamson, *Hertfordshire*, p.207; Hugh C. Prince, *Parks in Hertfordshire since 1500*, (Hatfield: University of Hertfordshire Press, 2008), p.1.

abandoning their village homes to the parish gentry.³⁶ The London season, country pursuits, Parliament and pleasure also lured wealthier families from their estates for considerable periods, but the lesser gentry remained generally more engaged with their landholdings. This two-fold, physical withdrawal of wealthier families brought widespread fears of the collapse of traditional paternalism, as evidenced by their losing interest in their communities and, in particular, failing in their duties as local justices of the peace.³⁷

The *Commission of the Peace* comprised an elite political and social pool of men with substantial landholdings who had been selected by the Lord Chancellor to serve as justices. Whilst the gentry enjoyed the social cachet brought by inclusion in the Commission, only a third swore the necessary oaths and took out a writ of *Dedimus Potestatem* empowering them to act as magistrates.³⁸ An even smaller proportion actually sat on the bench, causing Hertfordshire's Lord Lieutenant in 1753 to complain that a shortage of practising magistrates impeded the conduct of county business.³⁹ For instance, the 1781 obituary of Hertfordshire's Justice John Skey claimed he had been 'upwards of 50 years in the Commission', yet Hertford Quarter Sessions' summaries recorded that he was only active in 1745.⁴⁰ Mid-eighteenth-century legislative changes widened eligibility for the Commission beyond the landowning gentry, leading to the admission of clergymen, merchants, industrialists

³⁶ Withdrawal began in the sixteenth century but intensified in the eighteenth, Stone and Stone, 'Country Houses', p.76; Hindle, 'Political Culture', p.126.

³⁷ Paul Langford, *Public Life and the Propertied Englishman 1689-1798*, (Oxford: Clarendon Press, 1991), p.368, pp.378-379, pp.390-391.

³⁸ Eastwood, *Government and Community*, p.95; Beattie, *Crime and Courts*, pp.59-60.

³⁹ Only eighty of Essex's 200-strong commission took oath and five of the eighty heard forty per cent of cases, King, *Crime, Justice*, pp.110-112; Landau, *Justices*, p.138. For the effects of a shortage of magistrates on prosecutions in early eighteenth-century London and Middlesex, Shoemaker, *Prosecution and Punishment*, pp.70-77, pp.282-284.

⁴⁰ Arthur Jones, ed., *Hertfordshire 1731-1800 as recorded in The Gentleman's Magazine*, (Hatfield: Hertfordshire Publications, 1993), p.201; Hertfordshire County Records, *Calendar to the Sessions Books...1700-1752*, Vol.VII, William Le Hardy, ed., (Hertford: Elton Longmore, 1931), p.379. Skey also sat in Barnet Petty Sessions in 1754, Barnet PS.2 1750-64.

and professionals for the first time.⁴¹ Landau called the new merchant and clergyman magistrates, ‘gentleman’ justices, and men from the ancient, landed families, ‘gentry’ justices, and discussed the changes in justicing styles that coincided with this alteration in the Commission’s composition.⁴² Before mid-century, Landau asserted that the patriarchal gentry-justice enjoyed considerable private influence, was entrenched in his community, saw office as an extension of his personal power, and often heard cases in his own home. Conversely, gentleman-justices personified the patrician model of disinterested local administrators, who preferred acting jointly in petty sessions which had more formal record-keeping, thereby emphasising connections with the law and public administration, not private local interests. Stone and Stone calculated that at least a third of Hertfordshire’s active magistrates after 1700 were ‘wealthy townspeople’ and clergymen, but this is probably an underestimate for later-eighteenth-century Hertfordshire.⁴³ For instance, Davey found that three-quarters of Lincolnshire’s serving justices from 1740 to 1780 were gentleman-justices, and that these businessmen made active, effective magistrates.⁴⁴ Hertfordshire’s good roads and nouveaux-riche influx possibly saw it equal Lincolnshire’s figures. Research here found that the proportion of Hertford Quarter Sessions’ clergyman-justices alone certainly more than trebled, from seven per cent of active justices between 1700 and 1752, to twenty-five per cent from 1752 to 1799.⁴⁵ Hertfordshire’s gentleman-justices included George Prescott, a self-made financier and Member of Parliament who bought Theobalds Manor in Cheshunt in 1763 and served in the Commission from 1763 to 1788. Additionally, East India

⁴¹ On changing qualifications, Landau, *Justices*, pp.150-163.

⁴² Landau, *Justices*, pp.14-15, pp.359-361. On alteration in justicing styles see also, Davey, *Rural Crime*, p.115, pp.139-140.

⁴³ Landau, *Justices*, pp.138-141, pp.150-163; Stone and Stone, ‘Country Houses’, p.86.

⁴⁴ Davey, *Rural Crime*, p.114; Davey and Wheeler, eds., *Country Justice*, p.33.

⁴⁵ *HCR*, Vol.VII, pp.373-379; Hertfordshire County Records, *Calendar to the Sessions Books...1752-1799*, Vol.VIII, William Le Hardy, ed., (Hertford: Elton Longmore, 1935), pp.489-494.

Company director, John Dorrien, settled at Berkhamsted and acted as a magistrate from 1777 to 1792.⁴⁶

Justices provided the backbone of county administration, but the Hierarchy Diagram shows that the *Custos Rotulorum* acted as its figurehead. The Crown appointed the *Custos* to administer the county's Commission of the Peace, recommend prospective magistrates to the Lord Chancellor and supervise justices' conduct.⁴⁷ The *Custos*'s importance and prestige meant leading peers acted: the Earls of Essex, Earl Cowper and the Marquis of Salisbury served Hertfordshire from 1730 to 1799. These peers served concurrently as Lord Lieutenant, responsible for commanding Hertfordshire's armed forces, and making them the King's representative in the county.⁴⁸

The Hierarchy Diagram also shows the Crown appointing a High Sheriff as Keeper of the King's Peace, who oversaw judicial administration, empanelled juries, produced witnesses and prisoners, and implemented the courts' sentences.⁴⁹ The Sheriff funded his own official expenses, often exceeding £400 a year, but the prestige of Crown appointment made it coveted by newly wealthy men looking to raise their social profile in the counties.⁵⁰ Financier George Prescott served Hertfordshire in 1771, and East India Company directors, John Dorrien and John Michie, acted in 1773 and 1782 respectively.⁵¹

⁴⁶ 'Theobalds Palace, Herts.', in *The Mirror of Literature, Amusement, and Instruction*, No.783, 25th June 1836, in Vol.XXVII, (London: J. Limbird, 1836), pp.417-420; Kate Harwood, 'Some Hertfordshire nabobs', in *Hertfordshire Garden History: a Miscellany*, ed. Anne Rowe, (Hatfield: Hertfordshire Publications, 2007), p.66; *HCR*, Vol.VIII, pp.490-493.

⁴⁷ E. G. Dowdell, *A Hundred Years of Quarter Sessions: the Government of Middlesex from 1660-1760*, (Cambridge: CUP, 1932), p.11; Landau, *Justices*, p.14; Eastwood, *Governing*, p.51.

⁴⁸ Webb and Webb, *Parish*, pp.285-286.

⁴⁹ Irene Gladwin, *The Sheriff: the Man and His Office*, (London: Victor Gollancz, 1974), pp.351-354.

⁵⁰ Gladwin, *Sheriff*, p.348, p.355.

⁵¹ Jones, ed., *Hertfordshire*, pp.31-32, p.49.

Judicial Institutions

One of the Sheriff's most prestigious and costly duties involved hosting the semi-annual visits of the assize judges, with their attendant lavish ceremonies that became highlights of county's social calendar.⁵² Twice a year, legally qualified judges travelled from London on six circuits to hear counties' more serious cases: Hertfordshire shared the Home Circuit with Essex, Kent, Surrey and Sussex. The assizes monopolised felony trials, like homicide, arson and grand larceny (the theft of goods worth more than a shilling), and ruled on all capital offences, rarely considering misdemeanours.⁵³ However, as Beattie found in Surrey, Hertfordshire's quarter sessions increasingly heard grand larceny cases after mid-century, including transporting two men in 1770.⁵⁴ The greater part of Hertfordshire's judicial and administrative business thus devolved upon magistrates acting collectively in quarter sessions, in less formal petty sessions, or sometimes alone when dealing with minor matters.⁵⁵

Eighteenth-century Hertfordshire had two quarter sessions divisions that met four times annually: Hertford and the Liberty of St Albans.⁵⁶ The Liberty, an independent, medieval grant of monastic lands, comprised the twenty-four parishes shown in Figure 2.4 below, and the Liberty Quarter Sessions presided over these parishes.⁵⁷ Hertford Quarter Sessions administered the rest of the county, but it is

⁵² On assizes' ceremonies, Beattie, *Crime and Courts*, pp.316-318.

⁵³ Sharpe, *Crime...1550-1750*, pp.23-24; J.S. Cockburn, *A History of English Assizes 1558-1714*, (Cambridge: CUP, 2008 digital edition), p.19.

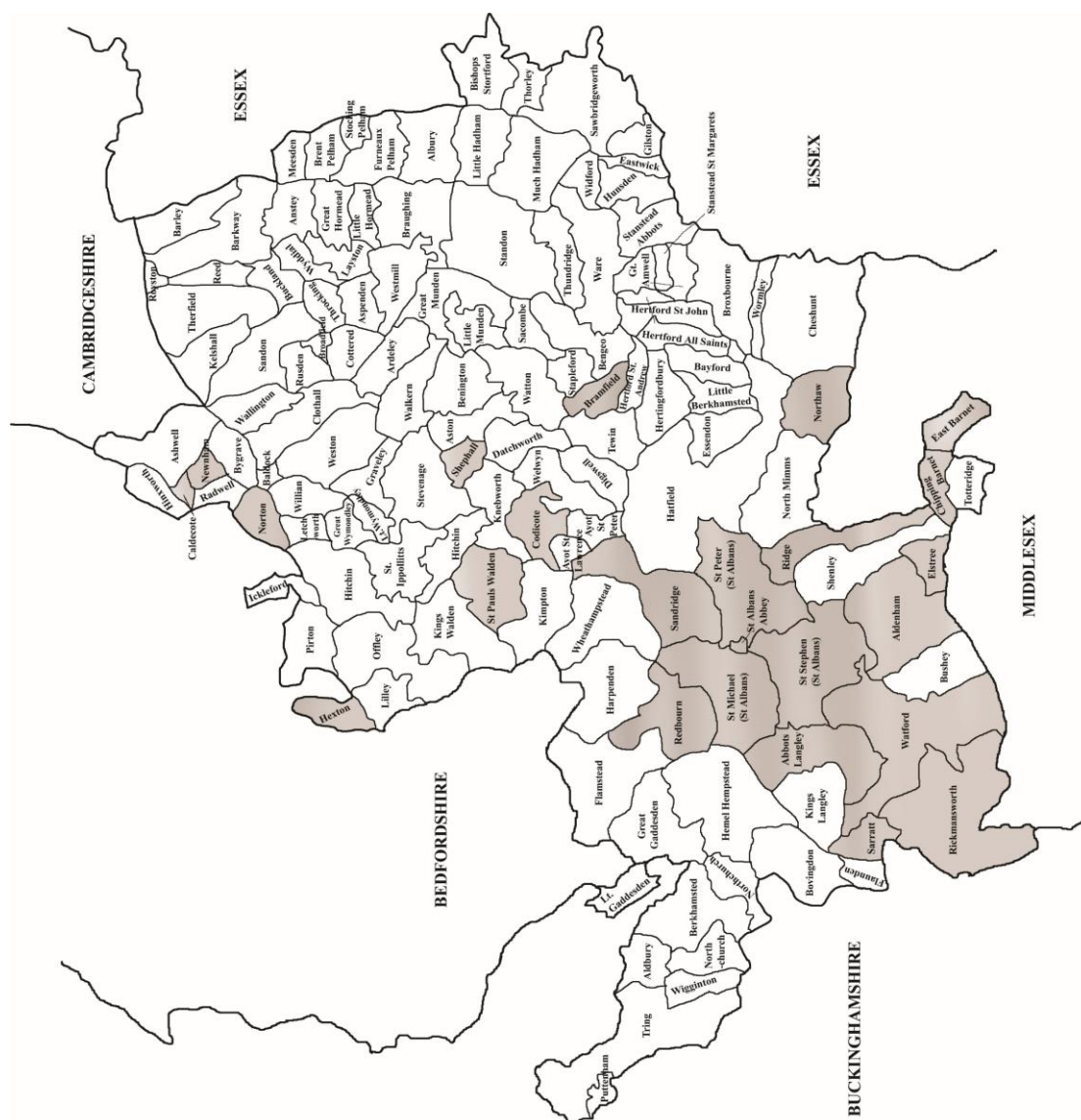
⁵⁴ 4th October 1770, Liberty Gaol 1 1770-1786. Beattie, *Crime and Courts*, p.283.

⁵⁵ Barlow's 1745 practice manual set out how many magistrates should adjudicate each matter. For example, a single justice could fine a baker selling underweight bread, two justices must issue bakers' trading licences, but justices in quarter sessions heard appeals from bakers' unresolved trading disputes, Theodore Barlow, *The Justice of Peace: a Treatise Containing the Power and Duty of that Magistrate*, (London: printed by Henry Lintot, 1745), 'Appendix'.

⁵⁶ Hertford's and St Albans' borough quarter sessions are not considered here, but Surrey's borough courts 'usually left serious matters to others', Beattie, *Crime and Courts*, pp.16-17.

⁵⁷ Le Hardy, ed., *Quarter Sessions*, p.47. History of St Albans Liberty in Julia Crick, 'Liberty and Fraternity: Creating and Defending the Liberty of St Albans', in *Expectations of the Law in the Middle Ages*, ed. Anthony Musson, (Woodbridge: Boydell Press, 2001).

[Liberty parishes shaded]



Source: © Elaine Saunders

unknown whether the same magistrates sat in both sessions. Landau found Kent's two quarter sessions divisions sharing clerical staff and exhibiting similar characteristics, whilst acting independently and developing their own procedures.⁵⁸ Justices and administrative practices may therefore have differed between Hertford and St Albans. Heavy workloads required justices to hear cases between quarter sessions in more frequent petty sessions, and Landau emphasised their importance to the work of eighteenth-century justices.⁵⁹ In petty sessions, two or more justices tried minor thefts, assaults and disorder summarily (without indictment or jury), dealt with parish administration, and acted as mediators in disputes.⁶⁰ The *Book of Orders* 1631 represented the culmination of Elizabethan and early Stuart governments' occasional directives to magistrates to promulgate central social policies and encourage more efficient local governance or judicial administration.⁶¹ This required justices to hold monthly meetings and summon constables, churchwardens and overseers to present local matters, but Kent found their regularity varied between counties.⁶² Hertfordshire's petty sessions were established relatively early: Broadwater's and Cashio's met monthly after 1630, coinciding with the issue of the *Book of Orders*, and Dacorum's began before 1700.⁶³ Additionally, Hertford Quarter Sessions' 1783 local government reforms included a resolution declaring it 'necessary that frequent Petty Sessions should be held in the several Divisions of the County' to deal with rising crime.⁶⁴ Although Kent's petty sessions were also established early, and

⁵⁸ Landau, *Justices*, pp.240-241.

⁵⁹ Landau, *Justices*, Chapters 7-8, pp.249-253.

⁶⁰ Discussions of summary proceedings include, King, 'Summary Courts'; Faramerz Dabhoiwala, 'Summary Justice in Early Modern London', *English Historical Review*, Vol.121, No.492, (2006). For matters upon which two or more justices should adjudicate, Barlow, *Justice*, 1745, Appendix.

⁶¹ Kent, *Village Constable*, p.36. On genesis of the *Book Of Orders*, Paul Slack, 'Books of Orders: The Making of English Social Policy, 1577-1631', *Transactions of the Royal Historical Society*, Vol.30, (1980), especially, pp.21-11; Hindle, *State and Social Change*, pp.8-9; B. W. Quintrell, 'The Making of Charles I's Book of Orders', *English Historical Review*, Vol.95, No.376, (1980).

⁶² Kent, *Village Constable*, p.36; Kent, 'Centre', p.384.

⁶³ Hertfordshire County Records, *Calendar to the Sessions Books...1658-1700*, Vol.VI, William Le Hardy, ed., (Hertford: Elton Longmore, 1930), pp.517-518; Kent, *Village Constable*, p.195.

⁶⁴ Justices' responses fully considered in Chapter Five. *HCR*, Vol.VIII, pp.311-312.

Chelmsford had weekly petty sessions by the early nineteenth century, Essex's thinly populated areas had less regular meetings. Gloucestershire also had a rudimentary system until the late eighteenth century, and Lincolnshire probably introduced theirs in 1749.⁶⁵

Hertfordshire's petty sessions division boundaries remained fluid but corresponded broadly with the eight administrative hundreds shown in Figure 2.2. However, Barnet Petty Sessions' jurisdiction crossed county borders.⁶⁶ Its justices met three times annually from 1765 to 1773, and weekly during 1796 and 1797, to issue victuallers' licences, hear reports from local constables and deal with minor complaints.⁶⁷ They convened at various inns in Chipping Barnet, Hertfordshire, but also sat at South Mimms, Middlesex until 1764. Two of their presiding justices, Honorat Smith and Richard Hassall, belonged to Middlesex's Commission, and the latter sat at Barnet Petty Sessions until 1773, at least.⁶⁸ Until 1770, all justices presiding in Barnet Petty Sessions were titled 'esquire' or 'honourable', except for Thomas Kinder who was the mayor of St Albans. In 1796 and 1797, the sessions were administered exclusively by clergymen.

Justices in quarter and petty sessions used the *high* (or chief) *constables* in the Hierarchy Diagram as intermediaries to relay instructions to this study's *petty* constables who served individual parishes.⁶⁹ Two high constables headed each of the eight administrative hundreds in Figure 2.2, were directly appointed by quarter sessions justices, generally had higher social status than petty constables, and served

⁶⁵ King, *Crime, Justice*, p.84; Eastwood, *Governing*, p.88; Davey, *Rural Crime*, p.118.

⁶⁶ Le Hardy, ed., *Quarter Sessions*, p.39.

⁶⁷ Barnet PS.2 1750-64; Barnet PS.3 1765-73; Barnet PS.1 1796-7.

⁶⁸ Including, 9th December 1758 at *The Cross Keys*, South Mimms, Barnet PS.2 1750-64; 18th October 1744, *Middlesex Sessions: General Orders of the Court*, (www.londonlives.org [accessed 17th August 2016]); Jones, ed., *Hertfordshire*, p.226.

⁶⁹ For high constables' duties and relationships with petty constables see Chapters Five and Six.

for many years.⁷⁰ For instance, Simon Folbrigg, gentleman, became Broadwater's high constable in 1744, acted until 1760 and was succeeded by his son, John, who died in office in 1775.⁷¹ Welch's 1754 constables' guide advised that high constables had 'no positive authority' over petty constables, and could only relay commands received on warrant from the sheriff or justices.⁷² However, Hertford's High Constable French reported petty constables William Pendred of Little Berkhamsted in 1734, and Daniel Gee of Essendon in 1740, for disobeying his orders, the only high constable known to have presented petty constables to justices.⁷³

The Hierarchy Diagram shows that justices oversaw many aspects of local governance, including supervising constables and parish officers. The latter were appointed by parish vestries, but research found that Hertfordshire's manorial courts remained responsible for appointing a high proportion of the county's constables throughout the eighteenth century

The Manor: Courts and Officers

The Norman kings reallocated Anglo-Saxon landholdings by granting a 'Circuit of Ground unto some great Personages', with powers to create tenancies and to hold courts in order to 'Debate Controversies within their Jurisdiction'.⁷⁴ These manors comprised an estate whose villagers farmed open fields, subject to the payment of rents and observing manorial custom, and inhabitants submitted to the lord's authority.⁷⁵ The 131 parishes in eighteenth-century Hertfordshire contained at least

⁷⁰ For a history of high constables and their duties, Richard Burn, *The Justice of the Peace and Parish Officer*, Vol.I, (London: Sixth edition, 1758), pp.289-290; Webb and Webb, *Parish*, pp.489-502.

⁷¹ *HCR*, Vol.VII, p.312; *HCR*, Vol.VIII, p.71, p.236.

⁷² Saunders Welch, *Observations on the Office of Constable*, (London: A. Millar, 1754), p.44.

⁷³ *HCR*, Vol.VII, p.248, p.281.

⁷⁴ Giles Jacob, *The Compleat Court-Keeper: or, Land-Steward's Assistant*, (London: Third edition, 1724), pp.2-3.

⁷⁵ Jacob, *Compleat Court-Keeper*, 1724, pp.3-4; Nathaniel J. Hone, *The Manor and Manorial Records*, (London: Methuen & Co, 1906), p.10. On obligations of manorial lords and tenants, Hone, *Manor*, Chapters II and IV.

184 manors, so manorial and parish boundaries were not always coterminous.⁷⁶ For instance, Barnet Manor contained three parishes (Chipping Barnet and East Barnet, Hertfordshire and South Mimms, Middlesex), whilst Cheshunt parish contained eight manors (Cheshunt, Theobalds, Tongs, Darcies, Wormley and Northall, Periers, Clarkes, and La Mote).⁷⁷ The Hierarchy Diagram shows that manors' eighteenth-century owners exercised authority as lords of the manor, landowners and, sometimes, as justices, including Justice George Prescott who bought Cheshunt's Theobalds Manor in 1763, and Cheshunt Manor itself in 1782.⁷⁸

Manorial administration took place in two courts: *courts baron*, which dealt mainly with land transactions and agricultural regulation, and *courts leet*, which held peacekeeping functions. Every manor held a court baron at least once a year, presided over by a legally qualified steward, employed by the manorial lord.⁷⁹ A jury of tenants, or *homage*, presented charges arising from breaches of manorial custom, created new agricultural byelaws, supervised tenancies, and maintained the lord's rights or tenants' privileges.⁸⁰ These private assemblies of manorial tenants remained independent of royal authority but, in making and upholding local customs and byelaws, they fulfilled minor legislative and judicial functions. Far fewer manors acquired royal assent to convene a court leet, Cheshunt Manor being the only one of eight manors in Cheshunt parish with this franchise.⁸¹

⁷⁶ Hertford Quarter Sessions' summaries provided a 'fairly comprehensive' list of 184 manors with gamekeepers for 1711-1752, but manors without gamekeepers would not have appeared. The true figure could be far higher. *HCR*, Vol.VII, p.viii and pp.413-447.

⁷⁷ Chipping Barnett and East Barnett Manor, Minute Book, Vol.3 1740-1744, LMA MS767; 'Cheshunt', in *A History of the County of Hertford*, ed. William Page, Vol.III, (London: Online edition at www.british-history.ac.uk [accessed 15th January 2016], originally published, Victoria County History, 1912), pp.446-454.

⁷⁸ P. E. Rooke, ed., *Theobalds Through the Centuries: the Changing Fortunes of a Hertfordshire House and Estate*, (Unknown: 1980), p.12; Cheshunt Manor Court Book Vol.4 1775-1789, UDC7/7/26.

⁷⁹ J Ritson, *The Jurisdiction of the Courts Leet*, (London: Second edition, 1809), p.viii.

⁸⁰ Hone, *Manor*, p.15; Webb and Webb, *Manor, Pt.1*, pp.13-16.

⁸¹ 'Cheshunt, VCH', pp.446-454.

Anglo-Saxon shires, controlled by *scirgerefa* (sheriffs), had originally been divided into smaller, administrative hundreds, and those hundreds further subdivided into *tithings*. Every person in a tithing stood surety for the collective good behaviour of his neighbours under *frankpledge*, with the head man elected as *tithingman*. Tithingmen reported to the sheriff's half-yearly tourn court which took a *view of frankpledge* and penalised the entire tithing for any transgressions.⁸² From the early thirteenth century, county sheriffs were required to appoint and direct two new types of constable for peacekeeping and protecting the kingdom: head constables of the hundred and local under-constables.⁸³ By the later-thirteenth century, manorial lords had begun establishing courts leets in their own manors, which served as courts of record with peacekeeping functions and limited civil and non-felonious jurisdiction.⁸⁴ These lords' courts acquired sheriffs' powers to administer frankpledge and appoint under-constables. The latter office then merged with that of tithingman to produce new manorial constables, elected by residents to be community representatives, but who remained subordinate to magistrates and other Crown officers in peacekeeping or executing the wishes of the state.⁸⁵

The *Magna Carta* 1215 limited manors to two annual leets, held within a month of Easter and/or a month of Michaelmas, and these had jurisdiction over minor common law offences, including trading breaches, nuisance, assault and property

⁸² On early collective obligation and law enforcement, Rawlings, *Short History*, pp.10-21; William Alfred Morris, *The Frankpledge System*, (New York: Longmans, Green, and Co., 1910), particularly pp.70-107. On tourns' history and jurisdiction, William Henry Watson, *A Practical Treatise on the Office of Sheriff*, (London: Sweet, Maxwell & Son, Second edition, 1848), pp.399-400.

⁸³ W. L. Warren, *The Governance of Norman and Angevin England 1086-1272*, (Stanford: Stanford University Press, 1987), pp.143-144. Under-constables were chief officers of vills; that is, fiscal, judicial, defensive units larger than tithings. On Norman administrative divisions and peacekeeping, Ault, 'Vill'; H. R. T. Summerson, 'The Structure of Law Enforcement in Thirteenth Century England', *American Journal of Legal History*, Vol.23, (1979).

⁸⁴ William Scroggs, *The Practice of Courts-Leet and Courts-Baron*, (London: Fourth edition, 1728), p.7; King, 'Early Stuart', pp.272-273.

⁸⁵ Appointments discussed in Chapter Three.

damage.⁸⁶ F. Hearnshaw concluded that the presiding manorial stewards sat as judges in courts leet, whereas Nathaniel Hone asserted that stewards only supervised and recorded proceedings. A jury of twelve or more presented offences to the leet, called witnesses, debated guilt and delivered their verdicts, after which stewards could punish offenders by *amercements* (fines).⁸⁷ Two further leet officials, *affeerors*, then ruled whether the amercement matched both the offence, and the offender's ability to pay.⁸⁸

Courts leet only heard common law, not statutory, offences, and their infrequent meetings restricted their value as local courts, so magistrates dealt increasingly with misdemeanours.⁸⁹ The timescale of this transition remains unclear. Sharpe considered leets defunct by 1650, King found Essex's manorial courts no longer tried thefts after 1600, and Waddell said that trials for assault and violence became increasingly infrequent in most manorial courts after 1650, with trading disputes occurring only rarely after 1750.⁹⁰ None of Hertfordshire's six examined courts leet tried assaults or thefts after 1730, but all heard occasional cases of failures to maintain local infrastructure, nuisances or trading breaches. These included Barnet's leet in 1778 amercing John Childes 13s. 4d. for weights and measures offences.⁹¹ Cheshunt's leet similarly heard a handful of such offences annually until George Prescott bought the manor in October 1782. Thereafter, the leet met in both May and October, and ordered an unprecedented twenty-nine landowners to make infrastructure repairs during 1783. It also amerced sixty-two publicans and retailers for weights and measures offences over the next eighteen months. From October

⁸⁶ Scroggs, *Courts-Leet*, 1728, p.83.

⁸⁷ F. J. C. Hearnshaw, *Leet Jurisdiction in England*, (Southampton: Cox & Sharland, 1908), p.87.

⁸⁸ King, 'Leet Jurors', p.318.

⁸⁹ Ritson, *Jurisdiction*, 1809, pp.xix-xx.

⁹⁰ Sharpe, *Crime...1550-1750*, p.83, p.89; King, *Crime, Justice*, p.9; Waddell, 'Governing', p.302.

⁹¹ 21st April 1778, Chipping Barnet and East Barnet Manor, Minute Book, Vol.6 1770-1784, LMA MS767.

1782 to Prescott's death in 1790, Cheshunt leet amerced an average ten traders annually, at least four times more than other examined courts.⁹²

Courts leet also appointed constables, the manor's principal officers as shown in the Hierarchy Diagram, together with *headboroughs*, or assistant constables. Headboroughs had the same powers as constables, and assisted in maintaining order and local administration, but could only exercise a constable's full powers in the constable's absence.⁹³ Barnet, Cheshunt, Berkhamsted and Hemel Hempstead Manors all appointed headboroughs for these busy towns, but isolated Therfield Manor only appointed one constable annually.⁹⁴ Several other types of manorial officers in the Hierarchy Diagram regulated particular aspects of manorial life, according to local need, and all remained junior to the constable. Aleconners supervised the Assize of Beer, ensuring that brewers produced ale of the correct strength and purity, and that victuallers sold it in proper measures.⁹⁵ From 1730 to 1799, Cheshunt appointed six aleconners annually, Barnet Manor two, and Hemel Hempstead one, but the latter named theirs an 'aletaster'.⁹⁶ Cheshunt's aleconners also conducted the Assize of Bread and regulated all other merchandise sold within the manor.⁹⁷ Additionally, Cheshunt had four marshwardens to patrol the meadows alongside the River Lea, and pindars, howards (or haywards), drivers and herdsmen to supervise animals in the common fields, man the village pound, or capture stray livestock. Throughout the eighteenth century, Berkhamsted Manor appointed two

⁹² Cheshunt MCB.4 1775-1789.

⁹³ Joseph Shaw, *Parish Law: Or, a Guide to Justices of the Peace, Ministers, Churchwardens, Overseers of the Poor, Constables, Surveyors of the Highways, Vestry-Clerks, and all others concern'd in Parish Business*, (London: Sixth edition, 1748), p.329; Reynolds, *Bobbies*, p.9.

⁹⁴ Cheshunt Manor Court Books, 5 vols. 1718-1799, UDC7/7/26; Hemel Hempstead Manor Court Books 1732-1801, 5 vols., DE/Ls/M148, M160 and M163-165; Berkhamsted Honor (Manor) Court Books, 4 vols., 1732-1790, DE/Ls/M12, M16-18; Therfield Manor Court Books, 3 vols., LMA MS14237.

⁹⁵ On other manorial officers, Hone, *Manor*, Chapter 5.

⁹⁶ Cheshunt, Hemel Hempstead, and Barnet MCBs. Hemel also had a 'ffish Taster'.

⁹⁷ Cheshunt, Draft Aleconners' Oath, Minit Book of Courts Baron and Leet 1782-1792, UDC7/7/26.

‘fflesh Tasters’ for meat, two ‘Leather Sealers’, and a resident magistrate, Thomas Herbert Noyes, acted as the manor’s water bailiff in 1758, with responsibilities for fishing rights, moorings and preventing poaching.⁹⁸ This shows Justice Noyes exercising authority in two local judicial institutions.

Hertfordshire’s eighteenth-century manorial courts thus provided community forums for tackling some minor offending and nuisances, as well as allowing inhabitants to tailor regulation to local circumstances and appoint a range of specialist officers. Additionally, constables worked alongside officers appointed by the parish – churchwardens, overseers of the poor and surveyors of the highway – although each had different responsibilities, and the Hierarchy Diagram shows they also belonged to separate authority hierarchies.

Historians frequently refer to *parish constables*, but this appellation was not found in any of Hertfordshire’s examined archival sources, nor in eighteenth-century practice manuals. Instead, these sources referred to constables as the ‘constable of -- parish’, or as *petty* constables to distinguish them from *high* constables. Shaw’s 1748 *Parish Law* declared that a ‘Constable may be thought rather a Peace than a Parish Officer’, and this distinction is adopted here.⁹⁹ *Parish officers* subsequently refers only to churchwardens, overseers and surveyors, and does not include constables.

The Parish: Vestries and Officers

From the Middle Ages, parishes provided ideal administrative units because they comprised a single village community that supported its own poor and developed efficient systems of local governance through the cooperation of its leading

⁹⁸ Berkhamsted MCBs; Berkhamsted Honor (Manor) Court Book 1746-1759, DE/Ls/M16.

⁹⁹ Shaw, *Parish Law*, 1748, p.326.

inhabitants.¹⁰⁰ Later-sixteenth-century legislators recognised parishes' administrative usefulness and appropriated their structures to implement statutory measures, thereafter making them local institutions of state authority.¹⁰¹ Kent found that, from the later-seventeenth century, leading inhabitants met frequently in church vestries to discuss parish business, including pauper welfare, revenue raising, maintaining local services, and issues surrounding parish officers' or constables' duties.¹⁰² Magistrates ostensibly supervised vestries' operation, but King asserted that justices, the gentry and clergymen rarely interfered in parish administration.¹⁰³ In Hertfordshire however, Berkhamsted's Justice Noyes, and Harpenden's Justice Wittewronge, were amongst several resident justices and clergyman-magistrates attending vestries, and perhaps exerting direct influence over their home parish's affairs.¹⁰⁴

The Hierarchy Diagram shows that parishes appointed three types of officer – churchwardens, overseers and surveyors – and research found that each entered office in different ways. Every Easter, vestrymen appointed two churchwardens from amongst the inhabitants, with the parishioners and minister often selecting one each, and selections taking place without reference to justices.¹⁰⁵ Churchwardens had responsibilities to the bishop and ecclesiastical courts for church upkeep, presenting moral delinquencies, and managing church funds, and the vestry alone approved their accounts.¹⁰⁶ From the seventeenth century, churchwardens' workload increased

¹⁰⁰ Oxley, *Poor Relief*, p.34; K. B. Smellie, *A History of Local Government*, (London: George Allen & Unwin, 1957), p.12.

¹⁰¹ Hindle, 'Political Culture', pp.136-137.

¹⁰² Kent, 'Centre', p.391.

¹⁰³ Eastwood, *Governing*, p.32; Peter King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800', *Historical Journal*, Vol.27, No.1, (1984), p.55.

¹⁰⁴ Including, Justice Noyes, Berkhamsted, Constables' Book; Justice Wittewronge, Harpenden, Vestry Minutes 1747-1778, D/P122A/8/2. For Noyes' influence on vestries and constables, see Chapters Six and Seven.

¹⁰⁵ Burn, *Justice*, 1758, Vol.I, p.243.

¹⁰⁶ Pounds, *English Parish*, pp.182-187.

substantially when statute required them to join with newly created overseers of the poor in raising and administering pauper relief.¹⁰⁷ Together they found employment for able-bodied paupers, supported the impotent poor, established workhouses and raised the necessary funding through local rates.¹⁰⁸ The 1601 *Poor Relief Act* required vestries to nominate two to four ‘substantial householders’ each Easter to act as overseers, from which justices made the final selection of one or more persons. Justices also sanctioned any poor rate levied, approved the overseers’ annual accounts and heard appeals from parish officers’ poor law decisions.¹⁰⁹

Finally, constables, parish officers and inhabitants assembled each Boxing Day to make lists of residents who qualified to act as surveyors. These needed to own land worth £10 per annum, have a personal estate exceeding £100, or tenant property worth £30 a year. Magistrates then appointed one or more surveyors from the vestry’s list. Surveyors summoned residents to supply six days’ statutory duty to maintain parish roads, bridges, ditches and hedges, as well as raising rates to fund repairs, or reporting defects and defaulters to magistrates.¹¹⁰

In summary, the Hierarchy Diagram shows that Hertfordshire’s eighteenth-century constables were one of a number of regulatory officers belonging to the manor and parish, each with different roles that dovetailed to provide local administration below the magistracy. Hertfordshire lay within London’s social and commercial orbit, retarding its urban growth, yet stimulating its agricultural economy

¹⁰⁷ For churchwardens’ duties, Burn, *Justice*, 1758, Vol.I, pp.247-250.

¹⁰⁸ For a concise history of pauper legislation, Paul Slack, *The English Poor Law 1531-1782*, (Basingstoke: Macmillan Education, 1990). The extensive poor law historiography includes, Snell, *Parish*; Snell, *Annals*; Steven King, *Poverty and welfare in England 1700-1850: a regional perspective*, (Manchester: Manchester University Press, 2000); Hindle, *On the Parish*; Tomkins, *Experience*. On overseers’ duties, Lees, *Solidarities*, pp.22-23.

¹⁰⁹ 1601, *Act for the relief of the poor (Poor Relief Act)*, 43 Eliz.I c.40; Richard Burn, *The Justice of the Peace and Parish Officer*, Vol.III, (London: Sixth edition, 1758), p.4; Black, *Local Government*, p.263; Webb and Webb, *Parish*, pp.30-32. Churchwardens did not need to be ‘substantial residents’, Burn, *Justice*, 1758, Vol.I, p.251.

¹¹⁰ Richard Burn, *The Justice of the Peace and Parish Officer*, Vol.II, (London: Sixth edition, 1758), pp.148-155; Webb and Webb, *Parish*, pp.29-30. Surveyors’ appointments moved to September after the *Public Highways Act* 1767.

and attracting the newly wealthy to settle there within easy reach of the capital. Many joined clergymen in becoming justices after mid-century, so Hertfordshire probably saw the resultant changes in justicing styles observed by Landau and Davey in other counties. In this, gentleman-justices met in petty sessions as disinterested administrators, because they did not have the same long-standing community connections or paternalistic view of local administration as gentry-justices.¹¹¹ King found eighteenth-century justices rarely interfered in vestry decision-making, but the Hierarchy Diagram shows that Hertfordshire's magistrates appointed overseers and surveyors, and oversaw their finances.¹¹² The county's resident magistrates and clergyman-justices also perhaps exerted personal influence locally as landowners, lords of the manor and vestrymen.

Wrightson argued that order in the seventeenth century was more easily maintained in small settlements that were closely governed by parish oligarchs and local magistrates, and where social conditions allowed the establishment and maintenance of deferential relationships between superiors and inferiors.¹¹³ Kent similarly concluded that Tudor and Stuart constables were more effective in small, settled communities where most inhabitants knew one another and behavioural norms were widely understood and accepted.¹¹⁴ Research found that over half of Hertfordshire's eighteenth-century parishes had fewer than 500 inhabitants, so constables' close links to neighbours through church, work, family and social interactions, meant they likely knew everyone by sight, if not by name.¹¹⁵ Constables' continued effectiveness in eighteenth-century parishes might thus be

¹¹¹ Landau, *Justices*, pp.14-15, pp.359-361; Davey, *Rural Crime*, pp.115-119.

¹¹² King, 'Decision-Makers', p.55.

¹¹³ Wrightson, *English Society*, p.171.

¹¹⁴ Kent, *Village Constable*, pp.308-309.

¹¹⁵ The intricacies of such connections in a 400-strong Sussex parish are discussed in, David Vaisey, ed., *The Diary of Thomas Turner 1754-1765*, (Oxford: OUP, 1985), Appendix B.

inferred.

The Hierarchy Diagram illustrates some of the complex personal and official connections of Hertfordshire's constables in their interhierarchical role. They originated as manorial officers, with official roots in the frankpledge system of collective responsibility, but Hindle asserted that manorial courts only persisted as local government institutions where land remained unenclosed.¹¹⁶ Most of Hertfordshire's common fields had been enclosed by the sixteenth century, so the following chapter considers how far the county's manorial courts remained relevant to constables' appointments in the eighteenth century.¹¹⁷

¹¹⁶ Hindle, *State and Social Change*, p.208.

¹¹⁷ Richardson, 'Metropolitan Counties', p.261.

Chapter Three

‘You shall well & truly serve’¹

Selection, Appointment and Oaths of Office

Every Hertfordshire parish appointed one or more constables annually to act within, and on behalf of, that parish. Research here found that custom and local circumstances dictated how, and where, constables entered office, but it involved a three-stage process of selection, formal appointment and swearing an oath of office, each of which involved different personnel, or local government institutions. This chapter considers how Hertfordshire’s communities selected and appointed their constables, influences upon selection, exemptions from service, and how men might avoid appointment. The form of constables’ oath of office and oath-taking practices are also discussed. Finally, this chapter considers some of the practicalities of serving as constable in Hertfordshire. Constables’ commitment to office is examined through the incidence of men appointing proxies to serve on their behalf, and the length of time constables served. Constables received no training, and the ways the county’s men acquired the requisite skills to fulfil their responsibilities are considered. Constables served part-time around their main employment, and received no salary,

¹ Cheshunt, Draft Constables' Oath, Minit Book of Courts Baron and Leet 1782-1792, UDC7/7/26.

so this chapter finally discusses how they reclaimed their expenses, and how their communities raised the necessary funding.

Selecting Constables

Common law, not statute, governed constables' selection. Prospective constables were required to live in the parish they intended serving, and Appendix 1 shows the number of constables appointed annually for each of the 124 Hertfordshire parishes and hamlets.² Research found that Hertfordshire's constables usually entered office after appointment by the manorial court leet or parish vestry, and the relevant appointment institutions are given in Appendix 1. The archival sources documenting Hertfordshire constables' formal appointment never recorded the selection discussions preceding appointment, nor confirmed the selectors' names. Without contrary evidence, it is assumed that selectors, and those confirming the formal appointment, were one and the same; namely, court leet jurors, vestrymen or magistrates.

Kent found court leet jurors in seventeenth-century Bushey, Hertfordshire, had free choice of new constables amongst residents, but that jurors outside the county chose names from lists provided by manorial stewards and outgoing constables.³ Kent also considered it probable that justices, landowners or manorial lords influenced constables' selection, although it left no mark in the records.⁴ There is no direct evidence of Hertfordshire's wealthier residents dictating communities' choices of constable in the eighteenth century, but seventeenth-century examples appeared in quarter sessions records. For instance, Wormley's lord of the manor and its steward (both magistrates), complained to the quarter sessions in 1643 that the

² Ritson, *Office*, 1791, p.4.

³ Kent, *Village Constable*, pp.60-66.

⁴ Kent, *Village Constable*, p.66.

court leet jurors had ignored their choice of constable. Justices ordered Wormley's lord to select a replacement.⁵ However, the interaction of Hertfordshire's resident magistrates, landowners and clergymen with the inhabitants of manors and parishes presented ample opportunity for them to influence constables' selection.⁶ As seen above, Hertfordshire's magistrates and clergymen certainly attended vestries, whilst Barnet's Justice Hassall acted as a court baron homage three times during his magistracy, and would likely have been present during constables' formal appointment by the leet.⁷ Additionally, when Justice George Prescott bought and reinvigorated Cheshunt manor in 1782, its court leet uniquely appointed men styled 'esquire' to all six aleconner posts the following year. This suggests Prescott had persuaded these high-status individuals to help him tackle local trading malpractices.⁸ If so, it is also probable that Prescott induced particular men to become constable after 1782, or otherwise influenced selection decisions in his own court.

Cheshunt constables' selection perhaps also had a punitive element. Five (out of thirty) constables appointed during Prescott's tenure (1783 to 1792) had been amerced by the court leet for trading offences or nuisances in the year preceding their appointment, and Thomas Goucher was amerced and appointed in the same year. A further five men were amerced up to three years before becoming constables.⁹ Eleven out of thirty constables might therefore have entered office at Prescott's insistence,

⁵ Hertfordshire County Records, *Calendar to the Sessions Books...1619-1657*, Vol.V, William Le Hardy, ed., (Hertford: Charles E. Longmore, 1928), p.324.

⁶ Parsons sent lists of preferred constables to Buckinghamshire landowners, John Broad, *Transforming English Rural Society: The Verneys and the Claydons, 1600-1820*, (Cambridge: CUP, 2004), p.193. On justices' interactions with neighbours, including constables, Lucy A. Bailey, 'Squire, shopkeeper and staple food: the reciprocal relationship between the country house and the village shop in the late Georgian period', *History of Retailing and Consumption*, Vol.1, No.1, (2015), p.18; Davey and Wheeler, eds., *Country Justice*, p.33. Resident magistrates might also have been constables' employers, but this could not be substantiated in Hertfordshire.

⁷ Chipping Barnett and East Barnett Manor, Minute Book, Vol.4 1745-1758, LMA MS767; Chipping Barnett and East Barnett Manor, Minute Book, Vol.5 1759-1770, LMA MS767; *HCR*, Vol.VIII, p.491.

⁸ Cheshunt MCB.4 1775-1789.

⁹ Cheshunt MCB.4 1775-1789; Cheshunt Manor Court Book Vol.5 1789-1799, UDC7/7/26.

or he may have influenced the jury to select them as a form of recompense.

There is very little evidence that Hertfordshire's men took turns in the office of constable. Goldie concluded that seventeenth-century local offices sometimes fell to men through *house-row* selection, whereby men (or their households) served automatically in rotation.¹⁰ Kent found the constableness passing between ten and seventeen households in Tudor and Stuart villages outside Hertfordshire, whilst Philips and Storch noted that house-row selection survived 'quite strongly in parts of the North' in the eighteenth century.¹¹ Seventeenth-century justices and assizes judges condemned house-row selection of constables because it often resulted in unsuitable candidates, and eighteenth-century practice manuals generally counselled against it.¹² For instance, Burn's 1758 justices' manual asserted that constables' selection 'by turns, according to the situation of their several houses' had previously not been held a good custom, but that later books 'allowed [it] to be good', implying irregular use, rather than widespread accepted practice.¹³ Gardiner's *Complete Constable* 1724 advised against house-row selection in case the constableness fell to unsuitable persons, whilst a 1790 constables' manual claimed the office was 'often very disgracefully neglected when it falls into the hands of those, who succeed to it by rotation'.¹⁴ Jacob's 1724 stewards' manual did not advise upon selection by rotation, yet provided a precedent lease which obliged tenants to hold offices 'charged' to the premises, including that of constable.¹⁵ Manuals consequently

¹⁰ Goldie, 'Unacknowledged Republic', pp.166-167.

¹¹ Kent, *Village Constable*, p.60; Philips and Storch, *Policing Provincial England*, pp.14-15. Also, Black, *Local Government*, pp.159-160; Wrightson, 'Two Concepts', p.26.

¹² Kent, 'Centre', p.382.

¹³ Burn, *Justice*, 1758, Vol.I, p.290. Similarly, Henry Fielding, *Treatise on the Office of Constable (completed and revised by John Fielding within Extracts from Such of the Penal Laws, as particularly relate to the Peace and Good Order of this Metropolis)*, (London: 1762), p.331.

¹⁴ Robert Gardiner, *The Complete Constable*, (London: Sixth edition, 1724), p.7; Anon., *The Duty of Constables*, (Gloicester: 1790), p.8. Constables should be chosen personally, and not 'by the house', Ritson, *Office*, 1791, p.4.

¹⁵ Jacob, *Compleat Court-Keeper*, 1724, p.430.

acknowledged house-row's existence, but did not generally think it resulted in suitable appointments.

This research found that only three of Hertfordshire's 4,172 constable-years from 1730 to 1799 were perhaps filled by constables taking office after house-row selection. Totteridge's constable left the parish in 1751 so the churchwarden, James Bennett, filled both offices for the rest of the term, on the understanding that Bennett would 'not be excused the said office when it comes to his turn'.¹⁶ The office may also have attached to land. James Adams served as Westmill's constable from 1731 to 1733 but, in 1740 and 1741, Henry Bunyan served 'for Widd Adams', as if the obligation had passed to James' widow with his property.¹⁷ Cheshunt appointed its constables in the court leet, and its manor court books recorded no instances of house-row selection. However, its vestry records showed that churchwardens were asked to serve an extra year in 1754 against a promise not to be selected as overseer until other parishioners had 'taken it in their turns', indicating that rotation occurred amongst parish offices, at least.¹⁸ House-row selection may have been employed so routinely in Hertfordshire that it fell beneath comment in appointment records, but this is unlikely for three reasons. Firstly, the language recording Hertfordshire constables' appointments suggests they were deliberately selected. Secondly, house-row service generally endured for one year, whereas many Hertfordshire men served considerably longer. Finally, far more instances of constables refusing to serve might have been expected had office been foisted upon them.

Kent asserted that seventeenth-century villages with high population mobility (including Little Munden, Hertfordshire) often chose constables from new arrivals in the parish, or parishioners thrust the constableness upon relative strangers because

¹⁶ 26th December 1751, Totteridge, Vestry Minutes Book 1703-1753, D/P46B/8/1.

¹⁷ Westmill, Vestry Minutes 1629-1831, D/P120/8/1.

¹⁸ Cheshunt, Book of Orders 1752-1781, D/P29/8/49.

long-standing inhabitants were reluctant to serve.¹⁹ However, serving as constable also gave men legal rights to remain in the parish, or settlement.²⁰ It is argued here that newcomers may have volunteered to become constable to ingratiate themselves with their new neighbours, or gain settlement. For instance, Lovell Squire had been Norton's constable in 1762, but appeared as nearby Hinxworth's constable in 1768. Similarly, Robert Copperwheat was constable for Little Berkhamsted in 1782 and represented neighbouring Essendon the following year.²¹

Eighteenth-century practice manuals advised that some men's personal circumstances and occupations gave them automatic exemption from selection as constable. Burn's 1758 justices' manual excused several categories of Londoner, including lawyers, apothecaries and physicians, and directed that practising physicians and 'gentlemen of quality' outside London might appeal to the Kings Bench against selection if other suitable candidates lived in the town. This indicates that Burn did not necessarily envisage professional or higher-status men serving. Dissenting teachers and preachers also had blanket exemptions from becoming constable, but members of dissenting congregations could employ a replacement if they objected to taking the constables' oath.²²

Women might also engage proxies to act in their stead, like Westmill's Widow Adams above, and Burn criticised house-row selection for the increased likelihood of women being chosen.²³ Rose Graham and Sarah Richardson both found women serving as constable in the eighteenth-century, but women did not number

¹⁹ Kent, *Village Constable*, pp.128-130.

²⁰ On settlement through the constablenesship, Burn, *Justice*, 1758, Vol.III, pp.63-64. On settlement generally, see Chapter Seven.

²¹ Norton, Hinxworth, Little Berkhamsted and Essendon *Militia Lists*.

²² Burn, *Justice*, 1758, Vol.I, pp.290-292.

²³ Burn, *Justice*, 1758, Vol.I, p.290.

amongst Hertfordshire's 2,070 known constables from 1730 to 1799.²⁴ However, Eleana Nash served as one of Berkhamsted's two constables in 1696 and 1697, and was bound over for neglecting the office in 1670, demonstrating her long association with it.²⁵ Instead, Hertfordshire's eighteenth-century women held other offices, usually during widowhood. Widow Everitt was chosen as Anstey's overseer in 1735, and Aldbury nominated women overseers nine times from 1756 to 1785.²⁶ Cheshunt's court leet appointed Martha Harwood to the lesser manorial offices of herdsman and pindar from 1756 to 1766, and Susanna Isaacs as herdsman in the 1760s.²⁷ Additionally, constables' widows ran Berkhamsted's house of correction after 1769, and Hertford's after 1795, and women acted as county vagrancy contractors.²⁸ Whilst women cannot be described as regular officeholders in eighteenth-century Hertfordshire, its manors, vestries and the county certainly did not exclude them.

Research found that any man reluctant to serve as constable had three ways of avoiding selection: paying a fine to buy their way out of office (*fining*), tendering an exemption certificate, or simply refusing to have their name put forward. Beattie found that London parishes deliberately chose unwilling men as constable so that the men's fines to avoid serving would bolster parish funds.²⁹ Defoe in 1727 thus observed that the 'Fine for Constable brings no small Grist to the Mill'.³⁰ Only one

²⁴ Rose Graham, 'The Civic Position of Women at Common Law before 1800', *Journal of the Society of Comparative Legislation*, Vol.17, No.1/2, (1917); Sarah Richardson, 'Petticoat Politicians: Women and the Politics of the Parish in England', *The Historian*, Vol.119, Autumn, (2013).

²⁵ Berkhamsted, Constables' Accounts 1677-1747, D/P19/9/1; *HCR*, Vol.VI, p.204.

²⁶ Anstey, Vestry Minutes Book 1719-1772, D/P5/8/1; Elizabeth Puddifoot in 1756, Widow Eames seven times from 1762 to 1777, and Phoebe Eames in 1785, Aldbury, Vestry Minutes Book 1702-1820, D/P2/8/1.

²⁷ Cheshunt Manor Court Book Vol.2 1734-1759, UDC7/7/26; Cheshunt Manor Court Book Vol.3 1760-1775, UDC7/7/26.

²⁸ Sarah Hoare (Berkhamsted), *HCR*, Vol.VIII, p.164; Charlotte Wilson (Hertford), *HCR*, Vol.VIII, p.448; 'Mrs Hunt' as vagrancy contractor in the later eighteenth century, Vagrancy Accounts, QSMisc B132/4.

²⁹ Beattie, *Policing and Punishment*, p.134.

³⁰ Daniel Defoe, *Parochial Tyranny: or, the House-Keeper's Complaint...* (London: c.1727), p.17. Reluctant constables paid a £7 fine in London's Spitalfields, Reynolds, *Bobbies*, p.66.

example of a Hertfordshire man fining to escape office appeared in archival sources and quarter sessions' summaries for 1730 to 1799. Hemel Hempstead's Thomas Partridge in 1740 bought a blanket exemption from office when he paid ten pounds to be 'excused from serving all offices within the Town and parish...and that he shall not any time hereafter be called upon for any further time, or put to any trouble or charge on account of any officers whatsoever'.³¹ Hemel appointed its three constables at the court leet, and the manor's bailiff countersigned the 1740 vestry resolution in his official capacity, with the assumed intention of also releasing Partridge from any manorial obligations.

After 1699, anyone prosecuting serious offenders to conviction secured an assize judge's certificate, or 'Tyburn Ticket', providing lifelong exemption from parish and ward offices where the offence occurred.³² The case of *R. v. Darbyshire* in 1760 determined that these exemption certificates could not be used by constables appointed by courts leet where the manor was larger than the parish the constable served. The judges stated that exemption certificates applied to parish offices alone, and these leet-appointed constables had a larger jurisdiction.³³ It is unknown how many Hertfordshire manors this judgment affected. *Moseley v. Stonehouse* 1806 reversed the ruling, stating that leet-appointed constables were 'officers whose functions were exercised within the parish', and the certificate's exemption therefore applied to the constablenesship.³⁴ Hertfordshire quarter sessions' summaries only recorded assize judges issuing four Tyburn Tickets from 1730 to 1799 to residents of

³¹ 8th April 1740, Hemel Hempstead, Vestry Minutes Book 1732-1742, D/P47/8/1.

³² Beattie, *Crime and Courts*, p.52; King, *Crime, Justice*, pp.48-49. King found only four per cent of later eighteenth-century Essex prosecutors qualified for certificates.

³³ Charles Petersdorff, *A Practical and Elementary Abridgment of the Cases Argued and Determined in the Courts of King's Bench, Common Pleas, Exchequer, and at Nisi Prius*, Vol.VI, (New York: W. R. H. Treadway, 1830), p.81.

³⁴ Francis Const, *The Laws Relating to the Poor*, (London: J. Butterworth, Fifth edition, 1807), pp.709-714.

the 124 parishes and hamlets in Appendix 1.³⁵ Three of the recipients assigned their benefits elsewhere.³⁶ Ware's Thomas Reed sold his to a maltster for just five shillings in 1756, but Francis Lewin of Bushey Hall bought William Cain's for ten guineas, after Cain prosecuted a burglar in 1774.³⁷ Cain likely had no use for his exemption certificate because he was a serving, and enthusiastic, constable: a William Cain served Watford from 1768 to 1787.³⁸ However, Cain entered office in Watford's court leet, and his certificate may not have provided an exemption anyway.

Finally, men might argue against their selection as constable. In 1729, Defoe described the office as 'an insupportable hardship', being too complex, costly and time-consuming for most.³⁹ Wrightson found seventeenth-century men notoriously reluctant to become constable, but Kent found little evidence of difficulties in filling the office, although conceded that it was probably more unpopular than records indicated.⁴⁰ For the eighteenth century, Davey found Lincolnshire's constables often needed persuading to undertake the 'tedious, perhaps dangerous, duties', whilst F. D. Price concluded that 'the office does not seem to have been coveted' by men from Wigginton, Oxfordshire.⁴¹ Hertfordshire's sources from 1730 to 1799 provided only one example of a man refusing to serve; namely, Daniel Turner of Wormley, indicted at Hertford Quarter Sessions in 1736 for 'refusing to exercise the office of constable'.⁴² It is unknown whether Turner eventually served. Burn's 1758 justices'

³⁵ *HCR*, Vol.VII; *HCR*, Vol.VIII. Assize judges issued a further four to St Albans' and Hertford's inhabitants before 1742.

³⁶ Kent, 'Centre', p.376. London certificates sold for 15s. to 30s., Patrick Colquhoun, *A Treatise on the Police of the Metropolis*, (London: C. Dilly, Second edition, 1796), p.220. Or from £5 to £40, Andrew T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840*, (Columbus: Ohio State University Press, 2004), p.19.

³⁷ *HCR*, Vol.VIII, p.34, p.222.

³⁸ *Watford Militia Lists*. Long service under one name suggests a father and son. William Cain Junior sold the certificate.

³⁹ Defoe, *Parochial*, c.1727, p.17.

⁴⁰ Wrightson, 'Two Concepts', pp.26-27; Kent, *Village Constable*, p.78.

⁴¹ Davey, *Rural Crime*, p.89; Price, ed., *Wigginton*, p.xiv.

⁴² Hertfordshire County Records, *Notes and Extracts from the Sessions Rolls 1699-1850*, Vol.II, W. J. Hardy, ed., (Hertford: C. E. Longmore, 1905), p.73. A different transcript of these proceedings reported that Turner refused to be sworn, not refused to act, *HCR*, Vol.VII, p.261. Davey, *Rural*

manual advised that constables declining to act after formal appointment could be amerced by the court leet or bound over by justices to appear at the next quarter sessions, or assizes.⁴³ Burn did not add how reluctant constables might be compelled to act but forcing an unwilling man to occupy one of several inter-dependant offices would have done little for administrative harmony. In 1772, Cheshunt indicted David Cocks for refusing to serve as overseer, but the parish bore the prosecution costs, and his fellow officers likely shouldered additional administrative burdens in the meantime.⁴⁴ No similar actions against parish or manorial officers appeared in Hertfordshire's sources, but the legal expenses of forcing a man to become constable, and the extra work falling to fellow officers through his lax discharge of duties, would have made unwilling men's appointment futile in the county's small communities. With little evidence of constables' refusal to serve, it is assumed that Hertfordshire's men agreed to their appointment. However, an unquantifiable number might have argued vehemently against their initial selection, long before being presented to the leet or vestry for formal appointment. Additionally, selectors might have avoided approaching unsuitable men, or those with known hostility towards officeholding, and these discussions went unrecorded.

Appointments

Before examining constables' formal appointment procedures, it is useful to consider where Hertfordshire's men entered office, and the proportion appointed by each institution. Constables originated as manorial officers, and Paul's 1785 constables'

Crime, pp.91-92; Kent, *Village Constable*, p.83. Contrast seventeenth-century Middlesex justices receiving repeated applications from men eager to be excused, Dowdell, *Quarter Sessions*, p.18.

⁴³ Burn, *Justice*, 1758, Vol.I, pp.293-294.

⁴⁴ 8th July 1772. Cocks also excused as highway surveyor in 1773, Cheshunt B-of-O 1752-1781. The outcome of the indictment, or whether Cocks became overseer, is unknown.

manual declared that they ‘ought to be chosen in the leet’.⁴⁵ Ritson’s 1809 stewards’ manual confirmed that courts leet had common law rights to appoint constables; that is, rights acquired through custom and ancient usage, not by statute.⁴⁶ These are designated *leet appointments* here and in Appendix 1. Justices had common law and statutory power to appoint constables where a court leet had not been held, but research found that Hertfordshire’s magistrates almost entirely relinquished this authority and allowed vestries to appoint constables on their behalf. For convenience, the latter are denoted *vestry appointments* throughout. No matter how constables were appointed – whether by court leet, magistrates or vestry – they served a particular parish, represented it at county level, and wielded authority within it.

Appendix 1 gives constables’ appointment institutions from 1730 to 1799 for fifty-eight of Hertfordshire’s 121 parishes, the three hamlets sharing their main parish’s selection and appointment procedures.⁴⁷ The sources indicating the appointment institution are also in Appendix 1. Analysis assumed that communities continued appointing their constables at the local court leet until evidence of that court’s discontinuance was found. Thereafter, the vestry was deemed to have appointed constables on behalf of magistrates. No examples were found of Hertfordshire parishes reverting to court leet appointments once vestries had assumed the responsibility.

Several indicators established where Hertfordshire constables’ formal appointment took place, and these appear in Table 3.1 below.⁴⁸ The left-hand column shows that court leet appointment was determined from extant manorial records and six other factors. Firstly, Hertfordshire’s manors held leets near Whitsuntide (the

⁴⁵ John Paul, *The Compleat Constable*, (London: 1785), p.7. ‘Constables are most commonly chosen and sworn in the Court Leet’, Gardiner, *Complete*, 1724, p.7.

⁴⁶ Ritson, *Jurisdiction*, 1809, p.39. On leet’s powers, Webb and Webb, *Manor, Pt.1*, pp.28-29.

⁴⁷ Shaw, *Parish Law*, 1748, p.330.

⁴⁸ On difficulties in identifying appointment institutions see, Kent, *Village Constable*, pp.62-63.

seventh Sunday after Easter), or Michaelmas (29th October), so any change of constable around these dates indicated manorial appointment.⁴⁹ This could be evidenced by constables being sworn into office shortly thereafter, or by constables' accounting periods beginning at Whitsuntide or Michaelmas.

Table 3.1: Indicators of Institutions Appointing Constables

Appointments in Court Leet	Appointments in Vestry
Manorial court books record appointment	Vestry minutes show constables appointed with parish officers at Easter.
Constable's accounting period began at Whitsuntide or Michaelmas	Constable's accounting period began at Easter
Constable sworn in May-June, or October-November	Constable sworn in March-April
Constables' accounts show payment of a 'Common Fine'	Quarter session summaries document leet's cessation
Vestry minutes do not record constables' appointments	
Printed sources suggest court leet's continuance where manorial records do not survive	
Non-manorial sources record the operation of headboroughs or other manorial officers	

Sources: Manor court books, vestry minutes and constables' accounts, various dates, manors and parishes; quarter session summaries; travel guides and gazetteers.

By 1750, magistrates tried most misdemeanours previously heard at courts leet, so appointing local regulatory officers became the leet's main purpose once its trial function declined.⁵⁰ Reference to a surviving leet in printed or archival sources

⁴⁹ Scroggs, *Courts-Leet*, 1728, p.83.

⁵⁰ King, *Crime, Justice*, p.9; Waddell, 'Governing', p.306.

thus raised the presumption that the court continued appointing constables until that date, as when Spencer's 1771 travel guide mentioned Benington's extant leet.⁵¹ Constables' annual accounts sometimes noted payment of a *common fine*, or fee paid for the leet's upkeep, indicating leet appointment where manorial records had not survived.⁵² Finally, any headboroughs or other manorial officers operating in a parish implied continued leet appointment because they were not generally appointed by magistrates or vestries. For example, a schedule of Much Hadham's officers included lists of headboroughs and aleconners.⁵³ However, this was not conclusive because vestries sometimes retained the old manorial appellation of *headborough* when appointing assistant constables, as when Totteridge vestry made Henry Tarling headborough in 1747.⁵⁴

Vestry appointment indicators appear in the right-hand column of Table 3.1. Churchwardens and overseers took office each Easter, so if the vestry minutes also recorded constables' names, the vestry was deemed to have appointed them. By extension, constables must have been appointed in the leet if their names did not appear in the vestry minutes. Any constable's accounting period beginning at Easter further implied a vestry appointment, although Barnet Manor held an Easter leet throughout the eighteenth century, and Pirton held theirs two weeks after Easter in 1762, showing practice variations between manors.⁵⁵ Finally, Aldenham and Eastwick in 1767 asked justices to appoint constables when their local leets failed and, although no other appointment evidence survives for these parishes, it is probable that the vestries continued appointing constables after magistrates

⁵¹ Nathaniel Spencer, *The Complete English Traveller*, (London: 1771), p.253.

⁵² Also known as 'head-money', 'head-silver' and 'cert-money', Webb and Webb, *Manor, Pt.1*, p.23. Therfield's constable paid ten shillings common fine in 1736 but Berkhamsted constables' accounts from 1747 to 1799 never recorded it, William Warrin's account 1736-1737, Therfield, Constables' Accounts 1700-1834, D/P107/9/1; Berkhamsted, Constables' Book.

⁵³ Much Hadham, Churchwardens' Rate Book, 1675-1796, D/P44/4/3.

⁵⁴ Totteridge VM, but headboroughs also appointed in other years.

⁵⁵ Chipping Barnett and East Barnett MCBs; Pirton Rectory Manor Draft Rolls 1656-1811.

intervened.⁵⁶

It can be calculated from Appendix 1, that thirty of the fifty-eight parishes where appointment institutions are known, appointed constables in the court leet for the entire period from 1730 to 1799. Sixteen of these leets still appointed constables on the eve of policing reforms in 1839.⁵⁷ A further seven parishes had extant leets in certain years, although courts many have continued beyond these dates; namely, Braughing (1770), Ashwell (1741), Benington (1771), Great Amwell (1776), Pirton (1767), Ridge (1772), and Stocking Pelham (1762).⁵⁸ Thirty-seven parishes appointing constables in the leet for all or part of the eighteenth century represented sixty-four per cent of the fifty-eight parishes where appointment institutions are known. These results approximate with Philips' and Storch's, who found that sixty-four per cent of petty sessions divisions nationwide still chose their constables in courts leet in 1836.⁵⁹

Fifteen parishes in Appendix 1 appointed constables in the vestry in all years from 1730 to 1799, indicating their local leet's early cessation.⁶⁰ A further four vestries began appointing constables part-way through the eighteenth century; namely, Ayot St Lawrence (1783), Shephall (1767), Welwyn (1742) and Weston (1764).⁶¹ Again, the first recorded vestry appointment for these four parishes is given

⁵⁶ Constables' Appointments, QSMisc 2225-2227.

⁵⁷ Hertford Quarter Sessions, Questionnaires to Magistrates on Adopting the Rural Police Act 1839, QS/Cb/32, [hereafter, Constabulary Questionnaires 1839].

⁵⁸ Constables' Appointments, QSMisc 2225-2227. Constables' accounting period began at Whitsuntide until 1741, Ashwell, Constables' Accounts 1662-1741, D/P7/9/1; Benington's extant leet, Spencer, *Traveller*, 1771, p.253; vestry recommending constable to lord of the manor in 1776, Great Amwell, Vestry Minutes 1749-1780, D/P4/8/1-2; last note of appointment amongst records found for 1767, Pirton Rectory Manor Draft Rolls 1656-1811; headboroughs holding office in 1772 in Ridge, Barnet PS.3 1765-73; headboroughs holding office in 1762, Stocking Pelham *Militia Lists*.

⁵⁹ Philips and Storch, *Policing Provincial England*, p.14.

⁶⁰ Kings Langley's ceased in 1647, Hertfordshire County Records, *Notes and Extracts from the Sessions Rolls 1581-1698*, Vol.I, W. J. Hardy, ed., (Hertford: C. E. Longmore, 1905), p.92.

⁶¹ Constables accounted at Easter after 1783, Ayot St Lawrence, Overseers' Accounts 1783-1809 (including Constables' Accounts), D/P10/12/1. Constables accounted at Easter after 1708 and appointments recorded in overseers accounts after 1767, Shephall, Overseers' Accounts 1702-1802, D/P100/12/1. Vestry minutes record constables' appointments after 1742, Welwyn, Vestry Minutes

in Appendix 1, but no records were available to show where constables were appointed beforehand. Together, these nineteen parishes appointing constables in their vestries represented thirty-three per cent of the fifty-eight known parishes. Hertfordshire's eighteenth-century constables were thus almost twice as likely to enter office in the leet than in the vestry, representing a healthy continuance of this essential peacekeeping function in a significant number of Hertfordshire manors. Constables' connections with the appointment institutions and their personnel are shown in the Hierarchy Diagram.

Practice manuals for stewards, justices and vestrymen offered advice on the procedures that might be employed to formally appoint constables in courts leet. Hearnshaw found manorial stewards' manuals gave consistent guidance, but his nationwide survey of 220 leets established a 'remarkable divergence from the ideal of the court keeper's guides' in leets' procedures, business and functions.⁶² Local custom thus prevailed when appointing constables.

Under the *Magna Carta* 1215, courts leet could be held twice annually – within a month of Easter, and/or within a month of Michaelmas – but constables were only appointed once a year.⁶³ Of the six Hertfordshire manors examined here, Barnet and Pirton convened their courts and appointed constables near Easter, but Therfield, Cheshunt and Hemel Hempstead held theirs at Whitsuntide, seven weeks after Easter, showing deviation in practice from the manuals.⁶⁴ Berkhamsted Manor appointed constables for Berkhamsted, Aldbury and Northchurch parishes at a Michaelmas leet.

Jacob's *Compleat Court-Keeper* 1724 instructed stewards to issue a *precept*,

Book 1742-1763, D/P119/8/3. Vestry minutes record constables' nominations after 1764, Weston, Vestry Minutes Book 1764-1852, D/P121/8/2.

⁶² Hearnshaw, *Leet*, p.79 and pp.322-323.

⁶³ King, 'Leet Jurors', p.313; Morris, *Frankpledge*, pp.133-139. The *Magna Carta* merely confirmed immemorial practice, Hearnshaw, *Leet*, pp.79-80.

⁶⁴ After 1782, Cheshunt's leet also convened at Michaelmas.

or order, to require the manor's bailiff to give two weeks' notice in church of an intended court leet, and to summon the lord's tenants to appear.⁶⁵ Scroggs' 1728 stewards' manual recommended just six days' notice, and that 'Every Person from the Age of Twelve to Sixty Years, that dwell within a Leet' should attend, seemingly including women and non-tenants, but exempting older residents.⁶⁶ Ritson's 1809 manual also concluded that residency, not tenancy, imposed leet obligations, and that every inhabitant over twelve should attend 'except peers, clerks, women and aliens'.⁶⁷ Scroggs recommended stewards initiate a roll call, with absentees amerced sixpence, suggesting assemblies of dozens, if not hundreds, of people.⁶⁸ Records of the six Hertfordshire manors examined here yielded only one notice of an intended leet. In 1757, Pirton Rectory Manor's steward served a pre-printed notice upon its outgoing constable, ordering him to prepare a list of tenants required to attend the leet, and then warn those tenants to appear. The precept also cautioned the constable to 'warn your new constables to be sworn on pain of being fined'.⁶⁹

Ritson's 1809 stewards' manual recommended courts be as public as possible, and leets used to 'be held in the open air, upon a fair green, on the side of a hill, or under a large tree'.⁷⁰ Many Hertfordshire leets met in public buildings, but never outside. Hemel Hempstead's convened in various inns, particularly the one run by 'Widdow Hills', and in the market-house loft.⁷¹ Barnet's leet sometimes met in the *Red Lion Inn*, also a venue for vestries and petty sessions, whilst Berkhamsted had a purpose-built courthouse and used Berkhamsted Castle.⁷² All six examined manors

⁶⁵ Jacob, *Compleat Court-Keeper*, 1724, p.27.

⁶⁶ Scroggs, *Courts-Leet*, 1728, pp.12-14.

⁶⁷ Ritson, *Jurisdiction*, 1809, p.ix, pp.15-16.

⁶⁸ Scroggs, *Courts-Leet*, 1728, p.15.

⁶⁹ Pirton Rectory Manor Court Rolls, 48915-48943.

⁷⁰ Ritson, *Jurisdiction*, 1809, p.ix.

⁷¹ F. S. Brereton, *Hemel Hempstead Through the Ages*, (Hemel Hempstead: Hertfordshire Newspapers, c.1910), p.52.

⁷² Chipping Barnet, Vestry Minutes 1765-1787, D/P15/8/1-2; John Wolstenholme Cobb, *Two Lectures on the History and Antiquities of Berkhamsted*, (London: 1883), pp.97-98.

held a court baron at the same time as the leet, meaning attendees included anyone transacting land-related business and the inns' clientele, as well as the jurors involved in appointing constables. Wider public engagement is also suggested by the proclamation discharging Cheshunt's later-eighteenth-century leet which invited 'All Manner of Persons who have appeared this day at court...if they shall have anything further to say may come here and they shall be heard', perhaps soliciting comments on constables' appointments.⁷³

Those attending court apparently treated it as a genial social occasion but were sometimes disappointed. Barnet Manor's leet steward left himself a terse *aide memoire* in 1796 to 'Remind Newton at the next Court that he must provide a better dinner'.⁷⁴

Ritson's 1791 constables' manual declared that the leet jury or steward chose constables, depending upon custom, but his leet stewards' manual of 1809 advised that the jury alone chose constables by 'common right', taken here to mean by ancient custom.⁷⁵ Cheshunt leet jurors' presentation of manorial custom in 1740 confirmed Ritson's latter assertion.⁷⁶ Jurors declared it had been their,

'...custom time out of mind for the jury of the leet at every Whitsontide to elect and choose for every ward in the parish one man resident there to be constable for the ensuing year. And at the least two headboroughs for every constable...[and]...to choose two aleconners in every ward to look to the weights and the assizes of bread and beer in every ward'.⁷⁷

Hertfordshire's manorial records did not disclose how courts leet chose jurymen but

⁷³ Cheshunt, Minit Book of Courts Baron and Leet 1782-1792, UDC7/7/26.

⁷⁴ Chipping Barnett and East Barnett Manor, Minute Book, Vol.8 1794-1799, LMA MS767.

⁷⁵ Ritson, *Office*, 1791, p.5; Ritson, *Jurisdiction*, 1809, p.40.

⁷⁶ Ritson, *Jurisdiction*, 1809, p.40.

⁷⁷ Cheshunt MCB.2 1734-1759. Customs also presented in several other years.

Scroggs' 1728 manual instructed stewards to select them.⁷⁸ This suggests that stewards (or their employers) could influence the composition of juries and, possibly, their decision-making.

Ritson's 1809 stewards' manual recommended appointing from twelve to twenty-three jurors, and Hertfordshire's numbers differed between courts.⁷⁹ Cheshunt Manor had either twelve or thirteen leet jurors from 1730 to 1799, and Barnet's numbers fluctuated with an average nineteen men serving each court.⁸⁰ Quarter sessions' jurors required property worth over £20 per annum to serve, but leet jurors needed no such qualification.⁸¹ Burn's 1758 justices' manual advised that 'any person whatsoever is capable of being put upon the jury', even a passing stranger.⁸² This meant anyone, resident or not, and wealthy or poor, could influence constables' selection. However, all jurors in Hertfordshire's six examined manors were male.

The Hierarchy Diagram shows that constables sometimes served as leet jurymen. Table 3.2 below records the number of Cheshunt, Barnet and Therfield Manors' constables serving on leet juries before, during and after acting as constable. It shows the number of constables each parish appointed annually, the number of individuals serving in the seventy years from 1730 to 1799, and the proportion sitting as jurymen. Cheshunt appointed three constables annually and 172 men served the 210 constable-years, seventy-eight of whom (or forty-five per cent) acted as leet jurors. They averaged four years' jury service each, but many acted more often, with Samuel Chessey becoming constable in 1752 and serving as juryman ten times from

⁷⁸ On jury selection and functions, Scroggs, *Courts-Leet*, 1728, pp.15-22. Stewards, bailiffs or landowners chose jurors, King, 'Leet Jurors', p.309. Bailiffs chose jurors in the absence of another custom, Hearnshaw, *Leet*, p.90.

⁷⁹ Ritson, *Jurisdiction*, 1809, p.x.

⁸⁰ Chipping Barnett and East Barnett MCBs.

⁸¹ Le Hardy, ed., *Quarter Sessions*, p.199.

⁸² Burn, *Justice*, 1758, Vol.II, p.356.

1744 to 1766.⁸³ Twenty-two of Cheshunt's 172 constables also served on the court baron's homage which supervised land transactions and made local byelaws. Chessey acted twice as homage, and was also one of seventeen Cheshunt constables farming locally, so likely attended courts baron regularly on agricultural matters.⁸⁴ Chipping Barnet had an even higher percentage of constable-jurors (sixty-four per cent) in Table 3.2, whilst East Barnet and Therfield each had thirty-nine per cent.

Table 3.2: Constables' Court Leet Jury Service

	Cheshunt	Chipping Barnet	East Barnet	Therfield
No. of constables appointed annually	3	2	1	1
Total appointments 1730-1799 (seventy constable-years)	210	140	70	70
No. of known individuals acting as constable 1730-1799	172	57	36	23
No. of constables serving on leet juries	78 (45%)	39 (64%)	14 (39%)	9 (39%)
No. of constables serving on their own appointment jury	15 (9%)	23 (40%)	8 (22%)	5 (22%)
No. of constables on successor's appointment jury	20 (12%)	3 (0.5%)	2 (0.6%)	3 (1.3%)

Sources: Cheshunt, Barnet and Therfield manor court books

This frequent jury service and interactions with the manor's farmers and tenants meant many constables would have been fully conversant with court procedures, known their fellow jurors and officeholders well, and participated regularly in manorial decision-making. Furthermore, Table 3.2 shows that constables regularly sat on the jury that appointed them. Fifteen of Cheshunt's 172 constables

⁸³ Cheshunt MCB.2 1734-1759; Cheshunt MCB.3 1760-1775.

⁸⁴ Cheshunt MCB.2 1734-1759.

(nine per cent) sat on their own appointment juries, three of them self-selecting repeatedly: Richard Main elected himself twice, Thomas Gardner three times, and John Ruskin four.⁸⁵ Twelve per cent of Cheshunt's acting constables also sat on juries as they left office and appointed their successors, demonstrating constables' close involvement in the entire process. Forty per cent of Chipping Barnet's constables served on their own appointment juries, and twenty-two per cent in East Barnet and Therfield.⁸⁶ These results indicate that many constables in these Hertfordshire manors entered office willingly.

However, selection decisions may not have rested entirely with leet jurors. Jacob's 1731 *Compleat Parish-Officer* described constables being 'elected by the Parish, and sworn in their Offices in the Court-Leet'.⁸⁷ Four of the fifty-eight Hertfordshire parishes appointing constables in manorial courts in Appendix 1 are known to have had vestries influencing the leet's decisions. From 1730 to 1776, Therfield's vestry met shortly before Whitsuntide, the vestry minutes recorded that year's constable being 'chosen by us' (the vestrymen), and the leet records noted the constable's formal appointment a few days later. Therfield Manor's court books did not record jurors' names, so it is unknown whether they were also the vestrymen making the selection.⁸⁸ Chipping Barnet's Easter vestry to appoint overseers and churchwardens shared a date (and sometimes a venue) with Barnet Manor's leet between 1766 and 1787, so vestrymen may have been on hand to influence constables' appointments.⁸⁹ Similarly, Bovingdon's vestry nominated the leet

⁸⁵ Cheshunt MCB.2 1734-1759; Cheshunt MCB.3 1760-1775.

⁸⁶ Barnet Manor averaged nineteen jurors whereas Cheshunt usually had twelve, likely accounting for the higher proportion of constable-jurors in Chipping Barnet.

⁸⁷ Giles Jacob, *The Compleat Parish-Officer*, (London: Sixth edition, 1731), p.3. Wrightson noted leet-vestry cooperation, Wrightson, 'Two Concepts', p.26.

⁸⁸ Therfield, Vestry Minutes 1721-1828, D/P107/8/1; Therfield Manor Court Book, Vol.3 1738-1763, LMA MS14237; Therfield Manor Court Book, Vol.4 1764-1776, LMA MS14237; Therfield Manor Court Book, Vol.5 1796-1802, LMA MS14237.

⁸⁹ In 1782, the leet met first because the new constables signed the 1782 vestry minutes in their official capacity. The order is unknown in other years, Barnet MCB.5 1759-1770; Barnet MCB.6

constable in 1762, and Great Amwell's recommended Joseph Smith as constable to the leet in 1776. In default of the leet being held, the Great Amwell vestry recommended Smith to justices.⁹⁰

Formal appointment in Hertfordshire's leets involved the jurors presenting constables and other local regulatory officers to the court, and the clerk noting their names in the court record. After Cheshunt's jurors declared their customary right to appoint constables in 1740, they presented one constable for each of the three wards in the parish, as well as six headboroughs, six aleconners, four marshwardens, a pindar and a hayward.⁹¹ The language recording constables' appointments, provided a strong indication that constables entered office after conscious selection, not through rotation. Cheshunt's jurors 'elected', or 'present and choose' constables, Berkhamsted's pronounced theirs 'fit persons' to hold office and then 'elected' them, whilst Hemel's were 'chosen into office'.⁹² Additionally, manorial clerks sometimes wrote up the records in advance, leaving officers' names blank, to be entered later in a different hand. This suggests decisions debated in court, or choice between several candidates, not predetermined selection by house-row.⁹³

The power of selecting and appointing constables only fell to magistrates once courts leet ceased operating. The *Constables of Limington's Case* 1728 ruled that justices had no authority to interfere in constables' appointments in the court leet, and *R v. Goudge* 1746 stated that justices could only appoint constables where there had been a default in the leet.⁹⁴ Shaw's *Parish Law* 1748 clarified this by stating that,

1770-1784; Chipping Barnett and East Barnett Manor, Minute Book, Vol.7 1784-1793, LMA MS767.

⁹⁰ Bovingdon, Vestry Minutes Book 1733-1799, D/P47A/8/1; Great Amwell VM.

⁹¹ Cheshunt MCB.2 1734-1759.

⁹² Cheshunt MCBs; Berkhamsted MCB 1746-1759; June 1773, Hemel Hempstead Manor Court Book 1771-1782, DE/Ls/M163. Barnet jurors originally 'presented' its constables but a new clerk changed the wording in 1765 and they 'presented and chose' them thereafter, Chipping Barnett and East Barnett MCBs.

⁹³ For example, 5th April 1768, Barnet MCB.5 1759-1770.

⁹⁴ Petersdorff, *Rex v. Darbyshire, Practical*, 1830, Vol.VI, p.79, p.100.

where a leet had been properly convened and correct procedure followed, magistrates could not ‘meddle’ with the choice of constable. If they did so, the manor could appeal to the Kings Bench for the constable’s reinstatement.⁹⁵ The *Settlement Act* 1662 confirmed two justices’ common law powers to appoint new constables where a leet had not been held, where leet juries had appointed unfit persons, or where constables left the parish during their term of office.⁹⁶ Quarter sessions justices could also discharge any leet-appointed constable who had served for more than one year and choose a replacement until the leet next convened.⁹⁷

Kent found little evidence that most county’s justices appointed constables but asserted that Hertfordshire’s justices were unusually ‘aggressive’ in doing so after 1630, or in removing unsuitable constables. She attributed this to the early decline of the county’s manorial courts, and magistrates’ repeated complaints about the quality of the remaining leet-appointed constables after 1630. Kent concluded that Hertfordshire magistrates’ involvement continued into the early eighteenth century.⁹⁸ It has been shown that Hertfordshire’s eighteenth-century leets had not, in fact, ceased operating. Furthermore, a review of Hertford Quarter Sessions’ summaries found that justices intervened in constables’ appointments on only twenty-three occasions from 1630 to 1730. In nine of these, the local leet had not been held so inhabitants approached justices, one man petitioned because he was too poor to hold office, and four further constables had been appointed contrary to the lord of the manor’s instructions. Three of the lords applying to have the office vacated were also magistrates but exercised this prerogative in their private capacity. In reality, justices

⁹⁵ Shaw, *Parish Law*, 1748, pp.331-332. Shaw did not discuss what might constitute improper practice.

⁹⁶ The Settlement Act 1662 only codified long-standing practice, Burn, *Justice*, 1758, Vol.I, p.293. On justices’ appointment powers before 1662, Kent, *Village Constable*, pp.65-66.

⁹⁷ Ritson, *Jurisdiction*, 1809, p.40.

⁹⁸ Kent, *Village Constable*, p.57, pp.65-72; Kent, ‘Centre’, pp.382-383.

on the bench therefore chose and replaced only two constables from 1630 to 1730, indicating that Hertfordshire's magistrates were perhaps not as proactive in appointing constables as Kent asserted.⁹⁹ Landau found justices in early eighteenth-century Kent insisting upon approving constables' choice of their own successors, and that magistrates appointed increasing numbers of constables between 1705 and 1744.¹⁰⁰ Conversely, Philips and Storch thought magistrates had 'little say in the business', and only appointed twelve per cent of constables nationwide in the 1830s.¹⁰¹

This research found that, even where leets had ceased functioning, Hertfordshire's justices from 1730 to 1799 took little part in appointing constables. In the 4,172 constable-years served in Hertfordshire, only three instances of justices selecting and appointing constables appeared in examined records, and all due to leet failures. These included Constable William Horsenail in 1767 informing Hertford Quarter Sessions that Eastwick's leet had not been held and he had served for over a year. Justices moved to 'nominate and appoint' Samuel Westrow to replace Horsenail, and then heard Westrow's oath of office, demonstrating that these magistrates also viewed entering office as a three-stage process.¹⁰² Jacob's *Compleat Parish-Officer* 1731 advised that justices could remove unfit constables 'there being the best Judges in these cases', but Hertfordshire's examined sources provided no examples of justices doing so from 1730 to 1799.¹⁰³

Otherwise, Hertfordshire's eighteenth-century justices allowed vestries to appoint constables wherever leets had ceased, suggesting that magistrates considered

⁹⁹ *HCR*, Vol.V; *HCR*, Vol.VI; *HCR*, Vol.VII.

¹⁰⁰ Landau, *Justices*, pp.249-251, Table 10.

¹⁰¹ Philips and Storch, *Policing Provincial England*, pp.14-16.

¹⁰² Also, Aldenham 1767 and Braughing 1771, Constables' Appointments, QSMisc 2225-2227.

¹⁰³ Jacob, *Compleat*, 1731, p.3. Justices removed seventeenth-century constables, including Essendon's unfit leet constable in 1663, *HCR*, Vol.V, p.169. They did not necessarily select their successor, however.

them capable of doing so. Even when rising crime prompted Hertfordshire's justices to implement local government reforms in 1783, they did not reclaim their mandate to appoint constables, but merely directed vestries to select men of good character thereafter.¹⁰⁴ In the absence of a leet, Hertfordshire's vestries thus added constables' appointments to the agenda when meeting to appoint overseers and churchwardens each Easter.

Shaw's *Parish Law* 1748 recommended public notice of vestries be given in church, or by notice on the church door, declaring the vestry's intended time and business.¹⁰⁵ Shaw defined a vestry as an 'Assembly of the whole Parish met together in some convenient Place for the Dispatch of the Affairs and Business of the Parish', suggesting widespread attendance from all sections of the community. However, he directed that only church ratepayers had authority to attend and vote.¹⁰⁶ Restricting attendance to ratepayers prevented significant numbers of unrated, impecunious, yet self-sufficient, households from voting on constables' appointments.¹⁰⁷ In London's populous parishes, *select* vestries of 'the chiefest and most reputable Men' conducted business, but there is no evidence of select vestries operating in Hertfordshire's small communities.¹⁰⁸ This study consequently expected its vestry-appointed constables to be selected by church ratepayers acting in open vestries.

Vestries customarily met in church vestment rooms, but some Hertfordshire

¹⁰⁴ *HCR*, Vol.VIII, p.312. The only justices' direction from 1619 to 1799 came in 1684 when Puttenham leet failed and magistrates ordered that 'the parishioners of Puttenham shall speedily meet together and choose some fit person', *HCR*, Vol.VI, p.383.

¹⁰⁵ Shaw, *Parish Law*, 1748, p.60.

¹⁰⁶ Shaw, *Parish Law*, 1748, pp.59-61. Burn also reserved voting privileges for church-rate payers, Burn, *Justice*, 1758, Vol.I, pp.244-246.

¹⁰⁷ Eastwood, *Government and Community*, p.43; Williams, *Poverty, Gender*, pp.73-74. Over half of Earls Colne's (Essex) households were unrated, H. R. French and R. W. Hoyle, *The Character of English Rural Society: Earls Colne, 1550-1750*, (Manchester: Manchester University Press, 2007), pp.71-77. On vestry attendance generally, Steve Hindle, 'Power, Poor Relief, and Social Relations in Holland Fen, c.1600-1800', *Historical Journal*, Vol.41, No.1, (1998), pp.78-80; French and Hoyle, *Earls Colne*, pp.254-264.

¹⁰⁸ Shaw, *Parish Law*, 1748, p.61. On select vestries and their abuses, Webb and Webb, *Parish*, Chapters V-VII.

vestries preferred the comfort of nearby inns.¹⁰⁹ Totteridge's met in the chapel itself, but Welwyn's 1783 appointment vestry adjourned to *The White Horse*.¹¹⁰ Like those attending courts leet, vestrymen expected their meetings to be lively affairs. High Constable Carrington attended Bramfield's vestry in 1799 for roast beef 'Good Company, [and] plenty of punch', and dined at *The Grandison Arms* with the Easter vestry the following year.¹¹¹ Hemel Hempstead's vestry regularly removed to a local inn, taking the vestry minutes with them, but Shephall's vestrymen made too merry at public expense.¹¹² Shephall's vestry resolved in 1770 that no more 'treats at publick houses be charged from henceforward, in any parish-rates, to parish accounts: But at such meetings every person present shall bear his own charge'.¹¹³ These public meetings also perhaps gave interested parishioners opportunities to voice opinions on constables' appointments.

Hindle said similarities were found between the composition of seventeenth-century manorial juries and vestries.¹¹⁴ However, the number and names of persons attending Hertfordshire's eighteenth-century appointment vestries could not generally be ascertained. Shaw's *Parish Law* 1748 recommended that 'every Man's Hand' should sign parish resolutions, but vestrymen in only seven parishes routinely signed vestry appointment records.¹¹⁵ Kings Langley had eight to ten signatories annually, one of whom was often the vicar, whilst Westmill had three or four signatories.¹¹⁶ Barkway's Reverend Street in 1795 countersigned constables',

¹⁰⁹ Shaw, *Parish Law*, 1748, pp.59-60.

¹¹⁰ Totteridge VM; Welwyn, Vestry Minutes Book 1763-1784, D/P119/8/4.

¹¹¹ Johnson, ed., *Memorandums*, p.38, p.47.

¹¹² Hemel VM 1732-1742.

¹¹³ Shephall, Vestry, Constables, Misc 1703-1834, D/P100/8-9/1. On vestries' social aspects see also, Vaisey, ed., *Turner's Diary*, pp.37-38. On conviviality and conflict surrounding alcohol-fuelled vestries see, Hindle, *On the Parish*, pp.369-370. Contrast the 'frictionless interaction' found by Webb and Webb, *Parish*, pp.56-60.

¹¹⁴ Hindle, *State and Social Change*, p.208.

¹¹⁵ Shaw, *Parish Law*, 1748, p.60. Vestries were not required to keep minutes until 1819, Eastwood, *Government and Community*, p.42. On the evolution of secular vestries and their procedures, Black, *Local Government*, pp.183-187.

¹¹⁶ Kings Langley, Vestry Minutes Book 1723-1756, D/P64/8/2; Westmill VM.

churchwardens' and overseers' appointments, and also served as a justice, demonstrating some magistrates' direct involvement in constables' appointments away from the bench.¹¹⁷ Aston's vestry minutes noted in 1730 that constables and parish officers were 'chosen by the Minister and Parishioners', whereas five to seven 'Parishioners of Thorley' met each Easter to nominate officers.¹¹⁸ Constables' appointment vestries thus appear to have been less well attended than courts leet.

Naomi Tadmor found that women did not usually attend vestries, even when they owned property and paid rates, but Barkway's 1795 Easter vestry included Ann Branch, a wealthy farmer's widow, who countersigned appointments.¹¹⁹ Even though non-Anglicans might not pay church rates, Hertfordshire's vestries did not exclude them. Joseph and Moses Da Costa served as Totteridge's vestrymen and parish officers, as well as Joseph being nominated as constable in 1732, and Moses in 1744 and 1745.¹²⁰ A 1746 travel guide identified the Da Costas as wealthy Jews.¹²¹

Of the nineteen Hertfordshire parishes in Appendix 1 appointing their constables in the vestry, sixteen had surviving appointment records. Thirteen of these sixteen parishes appointed constables using churchwardens' appointment procedures. In this, the minister and parishioners appointed constables without referring their choice to magistrates.¹²² The new constables' names were then entered into the Easter minutes and they were sometimes countersigned by vestrymen. Westmill's and Weston's vicars occasionally endorsed appointments, but neither served as

¹¹⁷ Barkway, Vestry Minutes 1795, D/P13/8/1.

¹¹⁸ Aston, Vestry Minutes Book 1626-1837, D/P9/8/1; Thorley, Churchwardens' Accounts 1690-1796, D/P108/5/1.

¹¹⁹ Barkway VM 1795. Naomi Tadmor, 'Where was Mrs Turner? Governance and Gender in an Eighteenth-Century Village', in *Remaking English Society. Social Relations and Social Change in Early Modern England*, ed. Steve Hindle, Alexandra Shepard, and John Walter, (Woodbridge: Boydell Press, 2013), pp.100-101.

¹²⁰ Totteridge VM.

¹²¹ Simpson, *Agreeable*, 1746, Vol.II, p.324. Jewish constables 'customarily' served in eighteenth-century London, Karen A. Macfarlane, 'The Jewish Policemen of Eighteenth-Century London', *Journal of Modern Jewish Studies*, Vol.10, No.2, (2011), p.225.

¹²² Burn, *Justice*, 1758, Vol.I, p.243.

magistrates.¹²³ Again, the language recording appointments in these thirteen parishes suggested deliberate selection of constables, not service by house-row. Seven of the thirteen declared that they had ‘chosen’ their constables, whilst Knebworth alone ‘elected’ theirs in 1747.¹²⁴ Thorley’s parishioners ‘nominated’ a constable each year between 1730 and 1744.¹²⁵

The remaining three of the sixteen parishes with surviving vestry appointment records, employed overseers’ appointment procedures when appointing constables. Here vestrymen submitted a list of candidates to justices, and justices made the final choice.¹²⁶ Bengoe ‘nominated’ two constables per ward in 1758, but only one constable actually served, and the parish clerk later underlined names to indicate the chosen men.¹²⁷ In 1783, Welwyn’s eleven vestrymen and their vicar ‘chose’ two churchwardens, but also ‘nominated’ four prospective constables and four overseers. Justices then appointed one constable and one headborough from the four relevant nominees.¹²⁸ Finally, Totteridge’s vestry minutes left no doubt on their constables’ appointment procedures. From 1725 to 1753, vestrymen nominated two constables and two overseers, agreeing ‘that ye Severall Persons be returned to the Justices to chuse one of them of Each Sort to be Officers for the Year Ensuing’.¹²⁹

Whenever vestry minutes recorded officers’ appointments they always listed churchwardens’ names first, overseers’ second, and constables’ last. It is argued that this did not reflect the relative prestige of each office, but merely the date when vestries became responsible for appointing them. Churchwardens were the most ancient officers and were first appointed when churches were established, legislation

¹²³ Westmill VM; Weston VM 1764-1852.

¹²⁴ Knebworth, Vestry Minutes Book 1651-1785, D/P62/8/1.

¹²⁵ Thorley Churchwardens.

¹²⁶ Burn, *Justice*, 1758, Vol.III, p.4.

¹²⁷ Bengoe, Overseers’ Accounts (including Vestry Minutes) 1623-1791, D/P17/8/1.

¹²⁸ Welwyn VM 1742-1763; Welwyn VM 1763-1784.

¹²⁹ Totteridge VM.

created the post of overseer in 1601, and vestries only appointed constables when leets failed thereafter.

There was insufficient data to calculate the proportion of Hertfordshire constables approving their own vestry appointments. Thorley's new constables countersigned their appointments from 1730 to 1744, as did Barkway's Thomas Moule in 1795.¹³⁰ Additionally, one constable apparently appointed himself. Yeoman farmer, Thomas Mickley, described himself in the militia records as Wakeley hamlet's constable from 1761 to 1787, even though the main parish of Westmill appointed only one constable annually, and Mickley never officially held that office.¹³¹

Hertfordshire's courts leet thus remained the principal institution for appointing constables during the eighteenth century and, where they ceased operating, the county's justices delegated their power to appoint constables to vestries. Evidence here suggests that few men tried to avoid office, and many often participated in, or approved, their own appointments. The final stage in confirming that appointment involved swearing an oath of office.

Oaths of Office

The oath of office acknowledged the duties associated with the constablenesship and formalised the expectation that incoming constables would behave honestly and diligently in fulfilling its requirements.¹³² This section considers the content of constables' oaths, manuals' recommendations, and Hertfordshire's actual practice when swearing in constables.

¹³⁰ Thorley Churchwardens; Barkway VM 1795.

¹³¹ Westmill *Militia Lists*; Westmill VM.

¹³² Kent, 'Centre', p.389. On expectation, Conal Condren, *Argument and Authority in Early Modern England. The Presupposition of Oaths and Offices*, (Cambridge: CUP, 2006), pp.25-29. On laws and customs of oath-taking, Enid Campbell, 'Oaths and Affirmations of Public Office Under English Law: an Historical Retrospect', *Journal of Legal History*, Vol.21, No.3, (2000).

Lee argued that oath-taking distanced officeholders from their communities by conferring a privileged position that linked them with ‘elite minorities’ of fellow officials who conceived of themselves as a ‘private or secret society’.¹³³ Oaths accordingly conveyed and established power, echoing Kent’s assertion that constables were headmen in their own communities.¹³⁴ Petty constables did not swear the statutory oaths of Allegiance, Supremacy and Abjuration, pledging loyalty to the sovereign and Church of England. These were required of men holding higher civic offices, including high constables.¹³⁵ In fact, constables’ oaths of office had no statutory form, so practice manuals provided various precedents. Scroggs’ 1728 oath enjoined constables to, *inter alia*, keep the peace, deal with vagabonds and present unlawful gamers, but Burn’s 1758 justices’ manual recommended using a short-form oath. He argued that even the most detailed oath could not ‘contain a hundredth part of the constable’s duty’, and swearing constables to lists of responsibilities might make them believe other duties unnecessary.¹³⁶ Burn’s oath required that,

‘You shall well and truly serve our sovereign lord the king, ...in the office of constable, for the township of _____ for the year ensuing [or, until you shall be lawfully discharged therefrom: or, until another shall be sworn in your place]. You shall well and truly do and execute all things belonging to the said office, according to the best of your skill and knowledge. So help you god.’¹³⁷

The only Hertfordshire constables’ oath found amongst archival sources belonged to Cheshunt’s leet, and was redrafted when George Prescott bought the

¹³³ J. Lee, ‘“Ye shall disturbe noe mans right”: Oath-taking and oath-breaking in late medieval and early modern Bristol’, *Urban History*, Vol.34, No.1, (2007), pp.30-37.

¹³⁴ Kent, *Village Constable*, pp.21-22.

¹³⁵ Burn, *Justice*, 1758, Vol.I, p.294. On history and application of statutory oaths, Condren, *Argument*, Chapters 13-15.

¹³⁶ Scroggs, *Courts-Leet*, 1728, p.30. Burn, *Justice*, 1758, Vol.I, p.294. The manorial stewards’ manuals cited herein did not advise on constables’ appointments, but all reproduced precedent oaths.

¹³⁷ Burn, *Justice*, 1758, Vol.I, p.299.

manor in 1782. It commanded that,

‘You shall well & truly serve our Lord the King and the Lord of this Leet in the Office of Constable for the Parish of Cheshunt within the jurisdiction of this court for the year ensuing (or until you shall be lawfully discharged therefrom). You shall well & truly do and execute all things belonging to your said office with Care and Diligence according to the Best of your Skill and Knowledge so help you God’.¹³⁸

This added ‘Care and Diligence’ to Burn’s suggested oath and ‘Skill’ had been underlined, as if to emphasise Prescott’s superior expectations of Cheshunt’s constables.

In the third of Hertfordshire parishes formally appointing their constables in vestries, the constables had no option but to swear their oaths of office before justices. With leet-appointed constables, Ritson’s 1809 manual directed stewards to administer the oath to any constable present when appointed. Constables appointed by both Barnet and Cheshunt Manors swore their oath before the steward at the start of each year in office, even where they served multiple terms.¹³⁹ Conversely, Hemel Hempstead’s constables swore oaths when they first entered office but did not renew that oath in subsequent years. For instance, two Hemel constables took office for the first time in 1761 and the court book records them taking the oath, whereas a third constable was merely ‘continued’ because he had served the previous year.¹⁴⁰

Hemel Hempstead Manor also provided the only known example of a Hertfordshire constable affirming his oath. Kate MacFarlane argued that swearing an oath of office might conflict with the religious views of non-Anglicans, excluding

¹³⁸ Cheshunt, Constables’ Oath, Minit Book, 1782-1792.

¹³⁹ Barnet and Cheshunt MCBs.

¹⁴⁰ Hemel Hempstead Manor Court Book 1756-1771, DE/Ls/M160. Bovingdon also ‘continued’ its constable unsworn in the same manor in 1775, Hemel MCB 1771-1782.

many from civic positions. However, constables' oaths did not require them to pledge allegiance to the Christian faith, meaning Jewish men customarily served as constable in London.¹⁴¹ As seen above, the Da Costas from Totteridge were nominated as constables in Hertfordshire. Bill Stevenson asserted that Quakers were the most vilified of all religious sects in the seventeenth century, yet many were widely involved in parish life, including serving as constable and on manorial juries.¹⁴² Burn's 1758 justices' manual directed that dissenters from the Church of England who 'shall scruple to take upon him the office, in regard of the oaths, or any other matter required to be done' could appoint a deputy to serve on their behalf.¹⁴³ Hemel Hempstead's Edward Dearmer in 1761 'being one of the people called Quakers', decided to serve as constable instead of standing aside, and 'took his affirmation to Execute the said Office' before the manor's steward.¹⁴⁴ It is unknown how many other dissenting constables served in Hertfordshire.

Any constable-elect absent from the leet when appointed was given notice to take oath before a justice.¹⁴⁵ Scroggs' 1728 manual advised stewards to also notify justices about unsworn constables.¹⁴⁶ Any constables then refusing to be sworn by justices could be bound over to appear before the sessions or assizes.¹⁴⁷ Cheshunt leet's steward in 1758 ordered absent constables to take oath before a justice within fourteen days, with a £5 fine payable to the lord of the manor for default.¹⁴⁸ This high fine marks the importance of oath-swearing, but could also indicate that

¹⁴¹ Macfarlane, 'Jewish Policemen', p.225.

¹⁴² Bill Stevenson, 'The social integration of post-Restoration dissenters, 1660-1725', in *The World of Rural Dissenters, 1520-1725*, ed. Margaret Spufford, (Cambridge: CUP, 1995), pp.364-369, p.385.

¹⁴³ Burn, *Justice*, 1758, Vol.I, p.292.

¹⁴⁴ May 1761, Hemel MCB 1756-1771.

¹⁴⁵ A single justice could hear constables' oaths. Stewards could only swear in the jury's candidate, not their own, Ritson, *Jurisdiction*, 1809, p.40.

¹⁴⁶ Scroggs, *Courts-Leet*, 1728, p.6.

¹⁴⁷ Burn, *Justice*, 1758, Vol.I, p.293. Precedent indictment for refusing to swear and serve at pp.298-299.

¹⁴⁸ 16th May 1758, Cheshunt MCB.2 1734-1759. Berkhamsted Manor gave absent constables two-weeks' notice to swear before justices with a £5 fine for default, 25th October 1758, Berkhamsted MCB 1746-1759.

constables had either sufficient means to pay such a sum, or that some took office because they could not afford to refuse. In 1778, Isaac Field did refuse to be sworn when Hemel leet's steward heard his fellow officers' oaths. The steward served Field with a five-day notice and threatened a £5 fine, which proved sufficient inducement for Field to swear before justices and serve.¹⁴⁹ Field's was the only refusal to take oath amongst 513 constables' appointments in Cheshunt, Barnet, Hemel Hempstead and Therfield Manors. Furthermore, Hertfordshire quarter sessions' summaries only gave one example of a constable-elect refusing to take oath before justices.¹⁵⁰ These rare refusals add to the presumption that Hertfordshire's constables served willingly.

The venue for swearing an oath of office might have affected constables' relationship with magistrates and central government. Simpson asserted that constables swearing oaths before justices, instead of with leet stewards, evidenced 'the final subordination of local to central government in rural districts', and made Crown officers out of parish administrators.¹⁵¹ Kent found early seventeenth-century constables were 'sometimes' sworn in the leet but that quarter sessions' magistrates after the mid-seventeenth century 'usually' directed constables to take their oath before justices.¹⁵² She agreed that oath-taking with justices tightened the chain of command between magistrates and local officeholders and made them more accountable, but did not agree that it was universal, nor that it signalled constables' total subordination.¹⁵³ Research here found that Hertford Quarter Sessions' justices in 1651 ordered that the (unstated) 'instructions concerning the electing and swearing of constables' should be circulated to every parish, and also ordered that no

¹⁴⁹ Hemel MCB 1771-1782.

¹⁵⁰ Daniel Turner of Wormley in 1736, *HCR*, Vol.VII, p.261.

¹⁵¹ Simpson, 'Office', p.639.

¹⁵² Kent, 'Centre', p.389.

¹⁵³ Kent, 'Centre', pp.389-390; Kent, *Village Constable*, p.67.

‘insufficient person’ should be elected or sworn.¹⁵⁴ However, Hertfordshire’s quarter sessions summaries for 1651 to 1799 did not set out any other orders requiring constables to be sworn before justices, instead of at the leet.

Analysis of oath taking amongst Hertfordshire’s leet-appointed constables revealed how often they swore before justices. Barnet Manor’s court books for 1759 to 1793 recorded the appointment of two constables annually for Chipping Barnet, and one for East Barnet, a total of 105 appointments in these thirty-five years. Of these, only nine received notice to swear before justices, four being served upon Joseph Robard between 1774 and 1777.¹⁵⁵ Ninety-one per cent of constables therefore took oath before Barnet Manor’s steward. In the same court, twenty-two headboroughs (of 105 appointments) also received notices to swear before justices, so seventy-nine per cent swore oath in the leet. Cheshunt appointed three constables annually, but the manor’s clerks only recorded where constables took oath in eight of the years from 1730 to 1799.¹⁵⁶ Twenty-two of the twenty-four constables appointed in these eight years swore oaths of office before the steward, or eight-three per cent. Additionally, one clerk kept Cheshunt Manor’s records for 1754 to 1765 but did not note where the thirty-six constables took oath. However, he only recorded one notice to swear before justices, implying that the other thirty-five swore before the leet steward, or ninety-seven per cent.¹⁵⁷ These leet-appointed constables predominantly swore oaths of office before the steward who was the lord of the manor’s employee and not a Crown officer. Simpson’s assertion that constables became completely subordinate to the Crown by oath-taking cannot thus be upheld for this sample. Furthermore, if swearing before justices tightened the chain of command, as Kent

¹⁵⁴ *HCR*, Vol.V, p.424.

¹⁵⁵ Barnet MCB.5 1759-1770; Barnet MCB.6 1770-1784; Barnet MCB.7 1784-1793.

¹⁵⁶ 1733,1734, 1746, 1747, 1749, 1753, 1772, 1774, Cheshunt MCB.2 1734-1759; Cheshunt MCB.3 1760-1775; Cheshunt MCB.4 1775-1789; Cheshunt MCB.5 1789-1799.

¹⁵⁷ Notice issued in 1758, Cheshunt MCB.2 1734-1759.

suggested, Hertfordshire's leet-appointed constables retained a measure of administrative independence.

Proxy Constables

A parish's preferred candidate for constable might sometimes employ a proxy to act on his behalf. Rather than pay a fine to be excused selection, Beattie found that forty per cent of London's constables-elect from 1728 to 1731 considered it cheaper and more convenient to employ someone to act in their stead. Gray calculated that this had risen to fifty per cent of London constables by 1784.¹⁵⁸ Kent found most constables served in person in the sixteenth and seventeenth centuries, but that lower-status tradesmen increasingly took office in early eighteenth-century Little Munden, Hertfordshire, suggesting that they deputised for higher-status constables-elect.¹⁵⁹ Philips and Storch found the use of replacement constables increased during the eighteenth century and was 'frequent' in early nineteenth-century Hertfordshire.¹⁶⁰

Research found different types of replacement, or proxy, constables. Burn's 1758 justices' manual directed that, where a constable had been formally appointed and sworn in, he might engage a 'deputy' to execute warrants when 'sickness, absence, or otherwise' temporarily prevented him from acting himself. He did not add whether deputies could carry out other duties, and was unclear whether constables needed a 'special cause' to employ deputies. However, he asserted that the original sworn constable remained answerable for any miscarriages or defaults of

¹⁵⁸ Beattie, *Policing and Punishment*, pp.135-150; Gray, *Crime, Prosecution*, p.47. Substitutes filled around half of constable and headborough posts in 1730s Hackney, Paley, ed., *Justice...Hackney*, p.200. On London deputies' premiums, Beattie, *Policing and Punishment*, pp.140-158. On full-time paid constables serving extended terms, Barry S. Godfrey and Paul Lawrence, *Crime and Justice 1750-1950*, (Cullompton: Willan Publishing, 2005), p.12. An appeal for intelligent, energetic proxies came in, P. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, (London: J. Mawman, 1803), p.200.

¹⁵⁹ Kent, *Village Constable*, p.74, pp.88-89. Constables' status discussed in Chapter Four.

¹⁶⁰ Philips and Storch, *Policing Provincial England*, pp.30-34.

his deputy.¹⁶¹ Ritson's 1789 digest of London's Savoy Leet confirmed that, with a deputy, 'the principal is responsible', but also described a 'substitute' constable, who was sworn into office and assumed all the responsibilities of the constableness, so that the original nominee 'is discharged'.¹⁶² The substitute thus became constable in his own right. Ritson's was the only cited manual to make this division, or use the word 'substitute', but this convenient distinction is adopted here.

Amongst the 4,172 known constable-years in Hertfordshire from 1730 to 1799, research found only forty-six possible examples of proxy constables, or around one per cent. It is uncertain whether most were deputies or sworn substitutes, because archival sources always recorded a proxy constable as a 'deputy', even when he was clearly a substitute. For example, Hitchin's James Driver submitted his annual account in 1731 and described himself as 'Deputy for Thomas Tickle'. However, the account recorded fees for swearing the constables' oath, showing Driver had absolved Tickle from all responsibility and was actually a substitute.¹⁶³ Hemel Hempstead Manor's record-keeping proved even more confusing. In 1774, Thomas Knowlton 'was hired by the said John Corf to act for him [and was] sworn in open court to execute the said Office'. Knowlton took the oath, thereby becoming a substitute for Corf, yet Corf appeared in manorial records as the outgoing constable the following year.¹⁶⁴ In this, and twelve other substitutions appearing in Hemel Manor's records, the original nominee apparently remained the responsible constable, notwithstanding his substitute's oath.

¹⁶¹ Burn, *Justice*, 1758, Vol.I, p.292.

¹⁶² Joseph Ritson, *A Digest of the Proceedings of the Court Leet of the Manor and Liberty of the Savoy*, (Unknown: 1789), p.9. Ritson also described an 'assistant' who worked alongside constables, not in his stead.

¹⁶³ Hitchin, Constables' Rates (including accounts) 1719-1740, D/P53/9/3. Driver was also described as a 'deputy' when acting as a substitute in 1738 and 1739.

¹⁶⁴ Hemel had proxy constables in twelve years from 1730 to 1799, and all substitutions are similarly recorded, Hemel MCBs.

Hertfordshire's constables also employed short-term deputies. In 1774, Berkhamsted's Constable Stocksley paid Joseph Grove a shilling for serving a summons on Matthew Johnson, indicating that Grove merely deputised for the original constable on this occasion.¹⁶⁵ For extended service as deputy, Bygrave's Joseph Allin compiled the militia lists in 1778 as 'Deputy Constable – the Constable being very ill'. Constable Taylor recovered and resumed his duties, serving Bygrave until 1783, and indicating that Allin had been a temporary (probably, unsworn) replacement.¹⁶⁶

The incidence of proxy constables in Hertfordshire could be higher because clerks might not have recorded (or known) every replacement.¹⁶⁷ For example, Cheshunt overseers paid a Constable Welch's expenses in 1787, but Welch was never formally appointed by the leet, because his name did not appear in the court records.¹⁶⁸ In fact, Cheshunt's leet clerks never recorded a proxy constable, but Barnet Manor's proved more assiduous, or better informed. Of the seventy Chipping Barnet constables appointed from 1759 to 1793, the leet recorded only three men serving on behalf of another, so ninety-six per cent served in person. East Barnet saw no replacements, and all selected constables took office.¹⁶⁹ Hemel Hempstead had three constables annually and made 192 leet appointments from 1736 to 1799. Only fourteen constables-elect hired proxies, giving ninety-three per cent serving in person.¹⁷⁰ No examples of proxy constables appeared in constables' appointment records from Hertfordshire's vestries.

¹⁶⁵ William Stocksley's account 1774-1775, Berkhamsted, *Constables' Book*. Therfield's constable paid a neighbour for 'ratemaking' assistance, Michael Culledge's account 1732-1733, Therfield, *Constables*.

¹⁶⁶ Bygrave, *Militia Lists*.

¹⁶⁷ York's court clerks originally recorded both constable-elect and sworn substitute, but began noting the substitute's name only in the later eighteenth century, making it appear that fewer proxy constables served, Haywood, 'York's Constables', p.30.

¹⁶⁸ Cheshunt, *Overseers' Accounts 1781-1808*, D/P29/18/20.

¹⁶⁹ Barnet MCBs.

¹⁷⁰ Replacements in 1761, 1772-1777, 1783, 1785, 1786, 1790, 1797, 1799 (x2), Hemel MCBs.

On the above evidence, fewer than four per cent of Hertfordshire's leet-appointed constables engaged replacements to act on their behalf, and no proxies were found amongst vestry appointments. This is a far smaller proportion than encountered by Beattie and Gray in London. Hereafter, any man held out as constable in Hertfordshire is assumed to have been sworn into office and shouldered responsibility for his own actions. Kent concluded that the use of proxy constables acted a chief indicator for the popularity of the office, and of the difficulties in filling it.¹⁷¹ Hertfordshire's results reinforce the conclusion that the county's men served with greater alacrity than previously thought.

Length of Service and Training

The number of years individual constables served might also signal their willingness to take office and their commitment to it. Kent found that few sixteenth and seventeenth-century constables served for more than one year, and the risk of serving multiple terms made the office unpopular.¹⁷² This research found that extended service in Hertfordshire was the norm. With 2,070 known individuals acting in 4,172 constable-years, Hertfordshire's constables served for around two years each, but many remained in post far longer. Over eighty per cent of Hertfordshire parishes had a constable serving longer than five years, more than a third of parishes saw over ten years' service, and four constables acted for over twenty years. These included Barnet's victualler-constable Richard Doubleday who occupied office from 1748 to 1770.¹⁷³ William Overall of Aspenden was Hertfordshire's longest serving constable, who took office in 1766 and was still acting in 1797.¹⁷⁴

¹⁷¹ Kent, *Village Constable*, p.74.

¹⁷² Kent, *Village Constable*, pp.74-76.

¹⁷³ For more on Doubleday, see Chapters Six and Seven.

¹⁷⁴ Aspenden *Militia Lists*.

A disparity in length of service existed between rural and town parishes, however. In Hertfordshire's twenty main towns, constables served an average 1.45 years each. Conversely, men in the remaining 101 Hertfordshire parishes with smaller populations remained in post for an average of 3.83 years, more than twice as long as their town counterparts.¹⁷⁵ This may suggest greater commitment to office from rural constables, or that the constableness proved more demanding in town parishes so men tired of it more quickly. Rural parishes also had fewer men to choose from, perhaps necessitating longer terms, but there is no evidence of constables being marooned in office, or of them petitioning justices to be released.

Hertfordshire's parishes not only saw extended service from individuals, but also from particular families, suggesting that passage of office from father to son might have been part of some constables' training. Constables received no formal instruction before entering office, even though Welch's 1754 constables' guide declared that constables 'require a greater share of knowledge in common and statute law, than men in your station' and described their frequent 'distresses' from their 'want of proper knowledge, not only of their power, but of the manner how to exert it'.¹⁷⁶ Hertfordshire's sources suggest that the knowledge necessary for officeholding was passed between officers verbally and in action, often within families. Bengoe's constable, Thomas Butterfield, entered office in 1775 and took James Butterfield as his headborough in 1789, presumably his son. James then became constable in 1791 and served without a headborough until 1801.¹⁷⁷ The long-serving William Overall above had followed Thomas Overall into office, and Thomas himself had served Aspenden from 1752 to 1764.¹⁷⁸ In 1742 and 1744, Valentine Rolfe Senior and

¹⁷⁵ See Chapter Two for a list of main towns.

¹⁷⁶ Welch, *Observations*, 1754, 'Introduction'.

¹⁷⁷ Bengoe *Militia Lists*.

¹⁷⁸ Aspenden, Vestry Minutes Book 1651-1831, D/P8/8/1.

Junior were nominated as constables for Kings Langley's two wards.¹⁷⁹ Sons routinely followed fathers into office in Hertfordshire, including the Peetes in Ippollitts, and the Cains in Watford, whilst Therfield's constables possibly including two sets of grandfathers, fathers and sons.¹⁸⁰ In all, seventy-three of Hertfordshire's 124 parishes and hamlets, almost sixty per cent, had probable family relationships between constables, suggesting that many received training *en famille*. Fearon's study of Bodicote, Oxfordshire, a village with fewer than a hundred families, also found that the constableness regularly passed amongst relations.¹⁸¹

Fellow parish and manorial officers, or vestrymen, may also have trained and advised constables. The Hierarchy Diagram shows that constables belonged to a network of officers, each with different skills, responsibilities and experience, who pooled their collective knowledge in local administration. Constables likely learned their responsibilities through interactions with these officers, or received informal instruction and advice from them.¹⁸² For instance, several past and future constables attended the vestries passing Berkhamsted constables' accounts each year.¹⁸³ In Cheshunt Manor, eighty-nine per cent of men serving one or more manorial offices, took a lesser office in the three years preceding their appointment as constable, usually as headborough.¹⁸⁴ A quarter of Chipping Barnet's constables had also previously acted as headborough, as had a fifth of East Barnet's, although this headborough-constable progression worked in reverse in Welwyn.¹⁸⁵ There constables from 1736 to 1761 stepped down into the headborough role, possibly

¹⁷⁹ Kings Langley VM 1723-1756.

¹⁸⁰ St Ippollitts and Watford *Militia Lists*; Therfield MCBs; Therfield, Constables.

¹⁸¹ J. H. Fearon, ed., *Parish Accounts for the 'Town' of Bodicote Oxfordshire 1700-1822*, (Banbury: Banbury Historical Society, 1975), p.viii.

¹⁸² Sons in late eighteenth-century Kent often attended vestries with their parish-officer fathers to learn the responsibilities, Black, *Local Government*, p.185.

¹⁸³ Berkhamsted, Constables' Book.

¹⁸⁴ Progression in office discussed further in Chapter Four. Cheshunt MCBs.

¹⁸⁵ Barnet MCBs.

remaining in an advisory capacity.¹⁸⁶ As with Bengoe's James Butterfield above, headboroughs may thus have been supernumerary for training purposes.

It is unknown how many constables had access to practice manuals outlining their duties, because Hertfordshire's archives only yielded two. Both were dated 1744, the year of major changes in the vagrancy laws, suggesting constables familiarised themselves with their new responsibilities under the legislation.¹⁸⁷ Central government also directed that statutes be read in church, including legislation on profanity and Sunday observance, and both Bovingdon and Chipping Barnet recorded statutes' purchase.¹⁸⁸ Additionally, Berkhamsted's constables displayed various notices and statutes around the parish, and had access to the information, even if they did not read them.¹⁸⁹

Magistrates sometimes provided training and advice to constables. Hertford Quarter Sessions in 1721 ordered constables to attend the midsummer sessions every year to 'hear the laws relating to returns of jurors read', and High Constable Carrington's diary records attending upon justices with his petty constables for instructions on making the militia lists in 1798.¹⁹⁰ Constables also consulted magistrates outside sessions, as when Hitchin's claimed a shilling in 1740 for 'going to Sir Henry Penrice for advice', but constables had many opportunities to approach justices informally.¹⁹¹ For instance, Therfield's Justice Weston was the parish vicar and lord of Therfield Rectory Manor Court, and it has been shown that justices

¹⁸⁶ Welwyn VM 1742-1763.

¹⁸⁷ See Chapter Six on vagrancy. Walkern, *Jacob's Dictionary 1744*; Welwyn, *Pocket Companion 1744*.

¹⁸⁸ James Stonhouse, *Hints From a Minister to His Curate for the Management of His Parish*, (London: Second edition, 1776), pp.41-42; Chipping Barnet, Churchwardens' Account Book 1656-1760, D/P15/5/1; Bovingdon VMB.

¹⁸⁹ John Forster's account 1756-1757, Robert Loader's account 1786-1787, Berkhamsted, Constables' Book.

¹⁹⁰ HCR, Vol.VII, pp.182-183; Johnson, ed., *Memorandums*, p.32. On constables' militia duties, see Chapter Five.

¹⁹¹ Hitchin, Constables' Rates.

attended vestries and courts leet alongside constables.¹⁹²

Hertfordshire's eighteenth-century constables consequently entered office having gained previous experience through vestry attendance, familial relationships and junior officeholding, whilst fellow officeholders and resident magistrates provided ongoing support. As Kent found in her Tudor and Stuart study, Hertfordshire's eighteenth-century constables most likely knew the law, how to apply it and whom to ask if they did not.¹⁹³

Constables' Remuneration

Hertfordshire's constables were not only untrained for office, they were also unsalaried, and undertook their duties alongside their main employment. However, they received funding from two sources. Firstly, constables submitted accounts to their parish at the end of each year in office claiming fees for duties carried out, and reimbursement of monies paid out on the parish's behalf. Secondly, the county treasurer paid some of the costs of making arrests, or paid fees and rewards for arresting and transporting vagrants.¹⁹⁴ This section considers constables' entitlement to payments from their parishes under their annual accounts.

Beattie concluded that the extended terms served by some London proxy constables resulted in them using the constableness as a way of making a living, and that it had become increasingly common by 1730.¹⁹⁵ Furthermore, King found two Essex parishes in the later-eighteenth century using 'semi-permanent', part-time constables who received small annual retainers.¹⁹⁶ Few Hertfordshire constables employed deputies, and there is no evidence that the county's longest serving

¹⁹² See Chapters Five to Seven for further constable-justice interactions. Therfield, Rectory Manor Court Book 1695-1852, D/EX937/M6.

¹⁹³ Kent, *Village Constable*, pp.139-146.

¹⁹⁴ These fees are discussed in Chapters Five and Six.

¹⁹⁵ Beattie, *Policing and Punishment*, p.150.

¹⁹⁶ King, *Crime, Justice*, pp.70-72.

constables viewed office as their main employment. The only example of a retainer in Hertfordshire came when Cheshunt's vestry in 1751 awarded a new workhouse contract that required the manager to pay each of the town's three constables 12s. 6d. annually, presumably towards the costs of pauper administration.¹⁹⁷ However, this payment was not mentioned in future vestry minutes, and Cheshunt's constables continued submitting their annual accounts to the vestry.

Bacon's 1610 *Office Of Constables* advised that constables 'have no Allowance but are bound by Duty to perform their Office *gratis*'.¹⁹⁸ Nelson's 1729 justices' guide advised that the *Settlement Act* 1662 authorised parishes to raise rates to cover constables' expenses of 'conveying Vagabonds...and for other Parish Charges', but Burn's 1758 justices' manual disagreed with this interpretation.¹⁹⁹ Burn asserted that constables had no statutory power to recover the general expenses of office, 'which indeed is hard upon the constable'. Justices should have power, he continued, 'to allow to the constable in all cases a competent satisfaction for his trouble: for there seemeth to be no cause, why a constable who hath himself been guilty of no crime, should be at trouble and expense about those who have, and have no compensation for it'.²⁰⁰ This seemingly advocates reimbursing constables for their involvement in prosecutions, but not for general parish duties. However, Hertfordshire's justices had already acknowledged constables' funding difficulties a century earlier. In 1657 some magistrates complained that,

'all charges to which constables shall be put by warrant, order, or ordinance of Parliament, should be examined by the parish and

¹⁹⁷ Cheshunt, Vestry Minutes 1731-1751, D/P29/8/1.

¹⁹⁸ Francis Bacon, *Office of Constables* (1610 [Reproduced in Giles Jacob, *Compleat Parish-Officer*, London: Sixth edition, 1731]), p.4.

¹⁹⁹ William Nelson, *The Office and Authority of a Justice of Peace*, (London: Tenth edition, 1729), p.202.

²⁰⁰ Burn, *Justice*, 1758, Vol.I, p.297. Parishes' authority to raise vagrancy expenses under the *Settlement Act* 1662 was repealed by the *Vagrancy Act* 1744. See Chapter Six.

certified quarterly, and if allowed, order should be made for the levying of the same upon the inhabitants, “whereby the constables and headboroughs may not be put to expenses out of their own purses for the service of the publick””.²⁰¹

It must be noted that any accounts submitted by Hertfordshire’s constables to their parishes did not show everything constables did, only the duties they claimed expenses for. Additionally, even Hertfordshire’s leet-appointed constables submitted their accounts to the vestry, and the parish paid the occasional manorial expenses constables accrued, including the common fine for maintenance of the court leet.²⁰²

The *Constables’ Charges Act* 1778 authorised constables to submit quarterly accounts. It allowed justices to award costs in cases, or pay witnesses’ expenses, and acknowledged that constables (and headboroughs) ‘may be at great charge in doing the business of the parish’ and ‘are not sufficiently indemnified by the laws’. Constables were authorised to render quarterly accounts to overseers, and again within fourteen days of leaving office, requiring payment of ‘all sums ...expended on account of the parish’. Overseers were to then present the account book for inhabitants’ approval and pay constables from the poor rate, with justices only authorised to determine disputes.²⁰³ However, the constables in seventeen Hertfordshire parishes with surviving accounts all submitted annual bills to the vestry, not quarterly accounts. They also did not wait until 1778 to begin submitting them, but rendered accounts throughout the eighteenth-century, in line with the above-mentioned justices’ direction of 1657.

²⁰¹ HCR, Vol.I, p.121. The section within double quotation marks is assumed to be citing the original justices’ complaint of 1657 but the printed summaries do not specify.

²⁰² Manorial duties discussed in Chapter Seven.

²⁰³ 1778, *Act for the payment of costs to parties...; for the payment of the charges of constables in certain cases; and for more effectual payment of charges to witnesses and prosecutors...* (*Constables Charges Act*), 18 Geo.III c.19, in Danby Pickering, *The Statutes at Large, Anno decimo octavo George III Regis*, Vol.XXXII. Part I, (Cambridge: 1778), pp.14-19.

Hertfordshire's constables rarely submitted accounts in the book form recommended by the *Constables' Charges Act 1778*. Therfield's, Barkway's and Ayot St Peter's constables wrote their accounts on single pages, Braughing's entered theirs into the churchwardens' account book, Bovingdon's appeared in the vestry minutes, and only Berkhamsted's two constables had their own a leather-bound volume reserved for the purpose.²⁰⁴ The contents of Hertfordshire's accounts also varied between parishes. Harpenden's Constable Freeman rendered narrative, detailed accounts in the 1780s, suggesting he was far more active than Constable Ellis of Ayot St Lawrence, whose 1785 bill had just eight entries.²⁰⁵ It is unknown whether Harpenden was a busier parish, Freeman went looking for things to do, or was simply more assiduous in making claims. The 1778 act allowed reimbursement of money 'expended' by constables but did not apparently allow them to charge for time spent on parish business, or to recover fees. However, Hertfordshire constables' accounts mostly comprised claims of a few pence or shillings for performing certain duties, including serving warrants, undertaking journeys and complying with justices' orders, to compensate constables for time lost from their employment.

It could not be determined how many constables compiled their own accounts, but handwriting on Therfield's varied between accounts and usually matched the constable's signature, suggesting each transcribed their own.²⁰⁶ Conversely, Harpenden's Constable Freeman closed his 1784 account with the entry 'pd the Clark for writing and for ballancing these accounts...5s'.²⁰⁷ The same scribe wrote Ayot St Lawrence's constables' and overseers' accounts in the later-eighteenth century,

²⁰⁴ Therfield, Constables; Barkway, Bills and Vouchers, D/P13/8/3/1-47; Ayot St Peter, Constables' Accounts 1748-1779, D/P11/9/1; Braughing, Constables' Accounts 1730-1739 (within Churchwardens' Accounts 1730-1861), D/P23/5/1; Bovingdon VMB Berkhamsted, Constables' Book.

²⁰⁵ Including, Harpenden, William Freeman, Constable's Account 1784-1785, D/P122A/21/1; Ayot St Lawrence, Overseers.

²⁰⁶ Therfield, Constables.

²⁰⁷ Harpenden, William Freeman, Constable's Account 1783-1784, D/P122A/21/1.

and Berkhamsted's constables' book had the same handwriting year upon year.²⁰⁸ No matter who completed them, every examined constable's account had consistent handwriting throughout, as if written up in its entirety at the end of the year, rather than added to periodically. It is thus assumed that constables kept draft accounts, or notes of individual expenses, and wrote them up annually. Where more than one constable served a parish, including Berkhamsted, the men accounted separately and usually carried out entirely different duties, with the workload usually fairly evenly divided between them.²⁰⁹ Only Braughing's two constables accounted (and seemingly, acted) jointly in the 1730s.²¹⁰

Vestry minutes recorded submission of constables' accounts at the end of their year's term. Cheshunt's constable usually accounted at Whitsuntide, but the vestry in February 1760 gave notice in church that 'all constables that have any demands on the overseers to bring their accounts next Monday to the workhouse', alongside any butchers wanting to tender for the workhouse contract.²¹¹ This might evidence quarterly accounting in 1760, but Cheshunt's vestry minutes did not normally record quarterly payments to constables.²¹² Justices did not need to approve constables' accounts, only the vestrymen who then authorised payment.²¹³ This, Kent asserted, demonstrated that constables remained answerable to their communities.²¹⁴ The number of vestrymen signing Hertfordshire's accounts varied. In Berkhamsted, around fourteen inhabitants countersigned, often including the churchwardens, overseers and former constables.²¹⁵ The local high constable and 'townsmen' signed

²⁰⁸ Ayot St Lawrence, Account Book 1771-1806, D/P10/21/1.

²⁰⁹ Berkhamsted, Constables' Book.

²¹⁰ Braughing, Constables 1730-1739.

²¹¹ Cheshunt B-of-O 1752-1781. Cheshunt constables appointed at Whitsuntide.

²¹² Cheshunt's records were being catalogued during the research period and constables' accounts were not available for inspection.

²¹³ Burn, *Justice*, 1758, Vol.III, pp.130-131; Kent, 'Centre', p.382.

²¹⁴ Kent, *Village Constable*, p.64.

²¹⁵ Berkhamsted, Constables' Book.

Hitchin's, whilst only the vestry clerk endorsed Bovingdon's in the 1750s.²¹⁶

Only five of the 309 examined accounts had disputed entries, or were refused payment, including Cheshunt's three constables in 1757 having their bills discounted, from fourteen shillings to ten or twelve, for unspecified reasons.²¹⁷ However, parishes occasionally curbed constables' spending. A 1731 note in Braughing churchwardens' accounts ordered that no officer should be allowed more than two shillings for a journey to the quarter sessions, or for any other expenses out of the parish.²¹⁸ Cheshunt in 1733 allowed officers five shillings daily 'for their trouble and horse hire' on parish business, but reduced this to 2s. 6d. in 1754.²¹⁹ In 1763, Cheshunt vestry further ordered that constables could only pay 'each aid' sixpence a day, pro rata, and not claim anything for eating or drinking, and that constables could only charge a shilling for attending the parish's petty sessions after 1777.²²⁰ Constables therefore did not have complete autonomy in spending decisions.

Hertfordshire's parishes funded their constables in various ways. Chipping Barnet paid theirs from the churchwardens' rates in 1734, constables raised their own rates in 1735 and 1737, and overseers paid them in 1738.²²¹ Bovingdon's overseers paid constables from the poor rate until 1784, when constables began raising their own.²²² Where constables made their own rate, they generally collected it during their term and funded themselves throughout the year. The first entries in Braughing constables' 1731 account related to 'Making my Rate' and 'Entering my Rate in the

²¹⁶ William Hodes' accounts 1731 and 1733, Hitchin, Constables' Rates; Bovingdon VMB.

²¹⁷ 9th September 1757, Cheshunt B-of-O 1752-1781. Entries for searching disallowed, Cheshunt, John Salmon, Constable's Account May-September 1793, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

²¹⁸ 21st April 1731, Braughing, Churchwardens' Accounts 1730-1861, D/P23/5/1.

²¹⁹ 17th April 1733, Cheshunt VM 1731-1751. For seventeenth-century regulations on spending, Kent, 'Centre', p.313.

²²⁰ Cheshunt B-of-O 1752-1781.

²²¹ Baldock, Vestry Book 1635-1799, D/P12/8/1; Chipping Barnet, Churchwardens 1656-1760; Chipping Barnet, Overseers' Accounts 1720-1744, D/P15/12/1.

²²² Bovingdon VMB.

Town book', netting the constables four shillings in fees and the rate itself.²²³ Hitchin's constables collected their own rate for 1733, underspent, and passed the balance of £4. 18s. 2d. to the incoming constables.²²⁴ The system did not always work, however. Hemel Hempstead's outgoing Constable Peacock in 1732 refused to give the five-shilling balance to incoming Constable Sparrow. The vestry resolved that Sparrow should return Peacock to the next quarter sessions to recover the money and that 'the parishioners will stand by him in the case'.²²⁵

Unusually, Berkhamsted set their constables' rate as men left office and paid them in arrears. Constables Hoare and Chappell took office at Michaelmas 1767 and submitted their accounts in October 1768 for £4. 7s. 8d. and £1. 3s. 4d. respectively. The vestry approved them and granted Hoare and Chappell a halfpenny in the pound rate, the £5. 1s. 4d. proceeds being offset against the constables' expenses.²²⁶ Hoare and Chappell waited for payment until the rate was collected and they still remained over eleven shillings out of pocket, as did eighteen other sets of Berkhamsted's constables from 1747 to 1799. Cheshunt similarly settled Constable Kilham's £5. 5s. 10d. account in September 1744, eighteen months after he left office, and only paid Constable Freeman's account three years after he stepped down.²²⁷ Kent found that many Tudor and Stuart constables funded their own official expenses during the year and might never receive payment, whilst Walter King said Lancashire's constables frequently operated at a loss.²²⁸ There is no evidence that Hertfordshire's eighteenth-century parishes failed to pay constables' bills, but most constables subsidised the parish during their term by meeting their own travelling expenses all year and paying

²²³ Braughing, Churchwardens.

²²⁴ Hitchin, Constables' Rates.

²²⁵ 27th September 1732, Hemel VM 1732-1742. No further information in Hertfordshire's quarter sessions summaries.

²²⁶ Berkhamsted, Constables' Book.

²²⁷ Cheshunt VM 1731-1751; Cheshunt B-of-O 1752-1781. Bovingdon's constable for 1736 to 1739 was paid a year in arrears, and his successor two years, Bovingdon VMB.

²²⁸ Kent, *Village Constable*, pp.170-174; King, 'Vagrancy...Lancashire', p.272.

out money on the parish's behalf.²²⁹ This meant they not only waited months for fees for performing duties, but they also sometimes carried considerable out of pocket expenses. For instance, analysis of Berkhamsted's constables' accounts for 1747 to 1799 revealed that the average shared bill for two constables amounted to £9. 6s. 9d, but bills rose by around twenty per cent after 1783 when constables' workloads increased, office became more demanding and constables disbursed more of their own money on parish's business.²³⁰

In conclusion, this chapter has shown that Hertfordshire's manorial courts had not fallen into disuse as Kent suggested, but continued appointing two-thirds of the county's constables during the eighteenth century. Nor were Hertfordshire's justices as proactive in appointing constables as Kent asserted, and they did not remove unsuitable constables. Instead, justices delegated their authority for appointing constables to parish vestries when leets terminated, most of which did not refer their choice of constable to magistrates. The influence of resident magistrates or lords of the manor could sometimes be inferred in Hertfordshire constables' selection but, otherwise, constables' appointments remained a matter for the community, rather than higher authorities. Swearing an oath of office confirmed constables' appointments, and many leet-appointed constables swore their oaths before leet stewards, not justices, reinforcing their connections with communities and distancing them slightly from the county chain of command.

Hertfordshire's constables were not as reluctant to take office as Wrightson contended, and their commitment to office was demonstrated in several ways.²³¹ Few men refused to act or excused themselves from office, and many ratified their own appointments in courts leet and vestries. Where Kent found most seventeenth-

²²⁹ See Chapters Six and Seven.

²³⁰ See Chapters Five to Seven.

²³¹ Wrightson, 'Two Concepts', p.26.

century constables acted for a year, Hertfordshire's eighteenth-century constables generally served for much longer, and many had family connections with other officers.²³² Beattie and Gray calculated that up to half of London's eighteenth-century constables hired replacements to serve on their behalf, but few such instances were encountered in Hertfordshire, where most men served in person.²³³ Finally, constables received no salary, but submitted annual accounts to their parishes claiming repayment of money disbursed on the parish's behalf, and fees for carrying out their duties. This meant that many subsidised the parish for several months, and Kent asserted that constables' willingness to shoulder these financial burdens also demonstrated men's commitment to office.²³⁴ These (often large) financial commitments further imply that Hertfordshire's constables needed to be sufficiently wealthy to bear the expense, and this is examined in the following chapter.

²³² Kent, *Village Constable*, pp.74-76.

²³³ Beattie, *Policing and Punishment*, pp.135-150; Gray, *Crime, Prosecution*, p.47.

²³⁴ Kent, *Village Constable*, pp.170-174.

Chapter Four

‘honestest, ablest and most understanding Men’¹

Hertfordshire Constables’ Fitness for Office

Henry Zouch’s 1786 plans to reform local government deemed it essential that towns ‘should be particularly careful in their choice of Constables: that ancient and very important office, being now seldom placed in the hands of any others, but persons totally unqualified for it’.² Ritson’s 1791 constables’ manual similarly complained that selectors chose men with ‘nothing to recommend them but the willingness with which they receive the yoke, and the patience with which they bear it...poverty, both in purse and in spirit, being looked upon as the proper qualification for a constable’.³ This chapter analyses Hertfordshire constables’ occupations to determine their social status and tests whether that status altered during the eighteenth century. It further compares constables’ social status with that of fellow officeholders and the communities they served, as well as examining the relative prestige of the constablenesship itself. However, it is first necessary to understand what central government, justices and practice manuals demanded from Hertfordshire’s prospective constables, and any legislative or regulatory attempts to secure efficient,

¹ Robert Gardiner, *The Compleat Constable*, (London: Third edition, 1708), p.7.

² Henry Zouch, *Hints Respecting the Public Police*, (London: 1786), p.8.

³ Ritson, *Office*, 1791, pp.viii-ix.

active officers for the county.

Idoneus Homo, or Fit Man

Despite constables' importance in local administration, central government seldom regulated men's eligibility for office. Guidance for magistrates appeared in central government's *Book Of Orders* 1631, which promoted more efficient local administration. *Direction VI* of these orders instructed that 'Petty Constables in all Parishes be chosen of the abler sort of Parishioners, and the Office not to be put upon the poorer sort'. However, central government never reissued this order after 1631, nor otherwise legislated on constables' suitability during the eighteenth century.⁴

Kent asserted that *Direction VI*, and similar instructions from assize judges, prompted Hertfordshire's magistrates to become increasingly involved in selecting constables after 1631, but research found that this was not the case.⁵ Hertford Quarter Sessions' justices in 1651 complained that parishes frequently appointed insufficient men, drunkards and alehousekeepers as constables, and circulated instructions for selecting fitting candidates, but quarter sessions justices made no further recommendations until 1783.⁶ Amongst local government reforms to tackle rising crime in January 1783, magistrates urged vestries to 'make Choice of Men of good Character, strong, decent, and active, to execute the offices of Constables and Headboroughs' and directed leet stewards to only swear in 'Men of good Character, not keeping Public Houses'.⁷ Justices further ordered that their reforms be circulated to the county's high constables and justices, and exhibited in 'all Parishes and Places

⁴ *Direction VI* in Thomas Frankland, *The Annals of King James and King Charles the First...* 'A Commission to the Lords...for putting in Execution of the Laws and Statutes for Relief of the Poor...5th January 1630', (London: 1681), p.386; Kent, *Village Constable*. On genesis of the *Book Of Orders*, Slack, 'Books of Orders', especially, pp.21-22; Hindle, *State and Social Change*, pp.8-9.

⁵ See Chapter Three. Kent, *Village Constable*, pp.70-72.

⁶ *HCR*, Vol.V, p.424.

⁷ *HCR*, Vol.VIII, pp.311-313.

in the County', indicating that selectors were aware of the directives. This was the only directive issued by them on constables' suitability from 1730 to 1799. Had justices been dissatisfied with the quality of the county's constables during the eighteenth century, they had power to remove unsuitable ones, and to reclaim their prerogative of appointing constables where leets had failed.⁸ Hertfordshire's magistrates never did so, however.

In the absence of legislation and justices' directions, manuals for constables, parish officers and magistrates offered idealised depictions of constables' desirable attributes. Bacon's 1610 *Office Of Constables* pre-dated *Direction VI*, and recommended that town constables 'ought to be of the better Sort' of residents, able-bodied and not 'in any Man's Livery'.⁹ The latter is taken here to equate with eighteenth-century ideals of *independence*; that is, freedom from obligation coupled with personal virtue, manners, masculinity and financial security that rendered men incorruptible, impartial and fit to serve in public offices.¹⁰ Sheppard's 1641 constables' manual cited *Direction VI*'s advice to appoint 'abler' parishioners and further demanded an *idoneus homo*, or 'fit man': sound of mind and body, impartial and honest.¹¹ Brown's 1677 reprint of Lambarde's Elizabethan manual stated that 'the Law' requires an *idoneus homo*, although Brown only cited common law, not statutory authority, for this assertion. Brown interpreted the 'fit man' as one possessing *honesty* 'to execute his Office truly without Malice, Affection, or Partiality', *knowledge* 'to understand his Duty and what he ought to do', and *ability*

⁸ See Chapter Three.

⁹ Bacon, *Office*, 1610 [Reproduced in Giles Jacob, *Compleat Parish-Officer*, London: Sixth edition, 1731], p.4.

¹⁰ On independence and public service, Matthew McCormack, *The Independent Man. Citizenship and Gender Politics in Georgian England*, (Manchester: Manchester University Press, 2005), pp.1-11; Dodsworth, 'Masculinity', pp.33-42.

¹¹ William Sheppard, *The Offices and Duties of Constables, Borsholders, Tything-men, Treasurers of the County-stock, Overseers for the Poore, and Other Lay-Ministers*, (London: Printed by Ric. Hodgkinsonne, 1641), pp.16-17.

‘in Estate as in Body, so that he may attend and execute his Office diligently, and not neglect the same through want and impotency’.¹² Gardiner’s *Complete Constable* 1708 recommended choosing the ‘honestest, ablest, most understanding men’, whilst Jacob’s 1731 manual wanted ‘Men of Substance’ and not the ‘meaner sort’.¹³

Greater ‘substance’, or wealth, implied that men had superior moral worth, commitment to office and an ability to withstand bribery or coercion. For this reason, manuals counselled against appointing the ‘meaner’ or ‘poorer sort’ of constables, drawing parallels between poverty, unsound judgement and inability to fulfil the constableness’s duties.¹⁴ Coke’s Elizabethan law reports claimed that constables living ‘by the Labour of the Hands... would suffer Felons and other Malefactors to escape and neglect the Execution of the Office [rather] than leave their Labour, by which their Wives and Children live’.¹⁵ Similarly, Gardiner in 1724 advised that the ‘poorer sort’ were ‘less able to attend this office; their necessity requiring them to mind their own Trade and Employment’.¹⁶ Manuals also warned that poorer constables lacked the intelligence or fortitude to perform effectively. Brown’s 1677 guide cautioned that the ‘meaner sort’ may be ignorant what to do, or stand in awe of the greater; so they dare not do what they ought’.¹⁷ Gardiner in 1708 described poorer men as ‘usually most ignorant and fearful’, whilst Barlow agreed in 1745 that

¹² W. Brown, *The Duty and Office of High Constables of Hundreds, Petty Constables, Tythingmen, and such Inferior Ministers of the Peace...* (London: ‘First collected by Will. Lambard, in the Reign of Q. Elizabeth; and now enlarged’, 1677), pp.12-13. In claiming ‘the Law’ required these attributes, Brown cited ‘Coke 8,4.3’, presumably Edward Coke, *The Eighth Part of the Reports of Sir Edward Coke...of Divers Resolutions and Judgments...*, Vol.VIII, (London: originally published 1612 but reprinted by Nutt & Gosling, 1727). Therein, *Griesley’s Case* 1588 has a printed ‘Note’ on constables’ eligibility (pp.41-42) which concluded that ‘the Common Law requires, that every Constable should be *idoneus homo*’ and possess honesty, knowledge and ability. It is unknown when, or by whom, this footnote was added to the case report, but no statutory authority on constables’ qualifications is cited.

¹³ Gardiner, *Compleat*, 1708, p.7; Jacob, *Compleat*, 1731, p.4.

¹⁴ On the desirability of ‘substance’, French, *Middle Sort...Provincial England*, pp.90-91.

¹⁵ Coke, *Reports*, 1727, Vol.VIII, p.41.

¹⁶ Gardiner, *Complete*, 1724, p.6.

¹⁷ Brown, *Duty*, 1677, p.13. For seventeenth-century examples of such constables, Wrightson, ‘Two Concepts’, pp.27-29.

‘Constables chosen of too Mean a condition, are commonly so ignorant that they know not their Duty, [and are] so dependant or depressed that they dare not do it’.¹⁸ These recommendations can also be seen acknowledging the strict social hierarchies operating during the eighteenth century, whereby constables with superior social status might expect the deference and obedience of their social inferiors, which would then augment their authority in office.¹⁹ Additionally, Goldie asserted that officeholding was a valued marker of higher social status.²⁰

No eighteenth-century manual cited herein suggested appointing the ‘middling sort’ as constable, a term used increasingly after the mid-seventeenth century.²¹ Instead guides simply reiterated early seventeenth-century demands for the ‘better’ or ‘abler sort’ of constables, possibly due to manuals’ practice of reprinting and plagiarising one another without updating texts between editions. Practice manuals thus did not reflect changing terminology, nor the middling sort’s increased involvement in officeholding. Whether Hertfordshire’s constables belonged to the ‘better’, ‘middling’ or ‘poorer’ sorts must now be considered.

Constables’ Occupational Status, 1730-1799

To help establish constables’ social position, this study adopted a definition of the middling sort that comprised skilled, self-employed men occupying a business household.²² Any man working for wages was thus deemed to fall below the middling sector, but Hertfordshire’s sources rarely disclosed whether men were business owners or employees. Nevertheless, many Hertfordshire communities had only one of each type of tradesman, such as Barkway having one butcher, carrier,

¹⁸ Gardiner, *Compleat*, 1708, p.7; Barlow, *Justice*, 1745, p.141.

¹⁹ On deference, Wrightson, *English Society*, pp.57-61; Wrightson, ‘Politics’, pp.31-35.

²⁰ Goldie, ‘Unacknowledged Republic’, p.164.

²¹ On growing use of ‘middling’, French, ‘Social Status’, pp.67-70; French, ‘Search’, pp.279-280.

²² See Chapter One.

wheelwright, and tailor.²³ This raised the presumption that they, and most other skilled workers in the county's small villages and towns, were self-employed.

This study's definition of the middling sort was then refined to reflect the wealth and prestige attaching to certain occupations.²⁴ Approximately ninety of the occupations followed by 1,193 of Hertfordshire's constables are listed in the table in Appendix 3 and categorised accordingly; namely as, *Higher-Status Middling Occupations*, *Mid-Range Middling Occupations*, *Lower-Status Middling Occupations*, or *Workers Receiving Wages*. Corfield *et al.* discussed how a simple taxonomy of occupations would allocate workers between three sectors of agricultural, manufacturing, and commerce or services, but that jobs often straddled sectors' boundaries.²⁵ This was found in Hertfordshire where, for example, farmers grew and sold their produce. The four occupational categories were thus further divided into fifteen 'product' groupings of related occupations, such as *Cultivators* and *Retail* within the *Higher-Status Middling* category.

Even within the groups themselves, it often proved difficult to differentiate between these self-ascribed occupational titles. For instance, Hoyle asserted that *yeomen* worked their own large acreages, whilst *farmers* cultivated rented land, the more successful of each styling themselves as 'gentlemen'. *Husbandmen* had smaller landholdings and sometimes supplemented their incomes with secondary employment.²⁶ No distinctions could be made for Hertfordshire without knowing the landholdings and tenure of each agriculturalist, so all three were deemed higher-status, and listed as *Cultivators* alongside market gardeners. Men sometimes exaggerated their status, including labourer-turned-victualler, George Powter, who

²³ Barkway and Reed, parish survey by Reverend Thomas Bergus 1799, in Barkway Notes 1799-1825, D/P13/3/4.

²⁴ See Chapter One, Table 1.2.

²⁵ On this and other taxonomies, Corfield *et al.*, '7.11: Classification', pp.7-8

²⁶ Richard W. Hoyle, ed., *The Farmer in England, 1650-1980*, (Farnham: Ashgate, 2013), pp.4-10.

served as Standon's constable from 1797 to 1801: the *Militia Lists* described him as a 'Master in business but of small circumstances'.²⁷ Richard Steward called himself a 'yeoman' when sworn in as Watton's 1759 constable, hinting at large landholdings, but the *Militia Lists* recorded him as a farmer.²⁸ Equally, poorer men might not record secondary employments, and lifecycle changes could not be reflected.²⁹ Watchmaker Benjamin Lipscomb was one of Chipping Barnet's principal inhabitants in the 1790s, but was constable in 1760 when his business was likely a smaller concern.³⁰

Hertfordshire's sources rarely disclosed the scale of business men ran, and research revealed great variations. Stephen Hanscombe became Cheshunt's constable in 1774 and was a lower-status middling carpenter in the *Militia Lists*, even though he fulfilled parish and county building contracts, employed apprentices, and became Hertford's high constable in 1791 when court records styled him a 'gentleman'.³¹ Conversely, Therfield's Barnard Preston, its carpenter-constable from 1793 to 1803, rendered bills for small jobs around the parish and had entered the workhouse with his ten children by the end of his term.³² Amongst the higher-status middling occupations, shopkeeper Cambridge Oakman was Ware's constable in the 1790s.³³ His obituary declared that,

'He was found, when an infant, under an oak tree [and] began life without a farthing, but, by industry and frugality, amassed a fortune of more than 20,000L'.³⁴

²⁷ Standon *Militia Lists*.

²⁸ *HCR*, Vol.VIII, p.64; Watton *Militia Lists*.

²⁹ Corfield et al., '7.11: Classification', p.2.

³⁰ Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, p.272; Chipping Barnet *Militia Lists*.

³¹ Cheshunt *Militia Lists*; *HCR*, Vol.VIII, p.406, p.416; 6th August 1789, Cheshunt, Vestry Minutes 1781-1796, D/P29/8/50.

³² Therfield *Militia Lists*; 1797; bill for making pauper coffins, Therfield, Overseers' Vouchers 1690-1834, D/P107/12/1; Therfield, *Charles Moss's Survey 1803*, (Transcribed by Martin Hagger from HALS D/P107/29/9 at www.therfield.net, [accessed 22nd November 2013]).

³³ Ware *Militia Lists*.

³⁴ 'Appendix to Chronicle', *The Annual Register, or a View of the History, Politics, and Literature of the Year 1827*, (Vol.69. Printed for Baldwin and Cradock, London: 1828), p.243.

Jeremiah Douton, a baker, chapman and dealer, and Chipping Barnet's constable in 1782, apparently had less business acumen because he went bankrupt five years after holding office.³⁵

The table in Appendix 3 lists the occupations of Hertfordshire's constables in the year they first entered office, the number of individuals involved in each trade, and the proportion of all appointments this figure represents. The first two numerical columns cover the entire study period of 1730 to 1799. King found that forty-three per cent of constables in Ardleigh (Essex) worked as farmers, and thirty-one per cent were labourers.³⁶ Storch asserted that labourers acted as constable in '18 per cent of all divisions' in Hertfordshire, in a quarter of Essex's, in a third of those in Hampshire, Somerset and Herefordshire, and everywhere in Bedfordshire. He did not, however, clarify the meaning of 'division'.³⁷ From Appendix 3 it can be seen that higher-status middling *Cultivators* comprised only 18.3 per cent of all Hertfordshire constables from 1730 to 1799, whilst waged *Agricultural Workers* represented 19.2 per cent, dividing the constableness almost equally between them. Research collected occupational data from 122 of the 124 parishes and hamlets in this study, and seventy-five of them had labourers acting as constable at some time during the eighteenth century, or sixty-one per cent. A connection with Storch's 'divisions' cannot therefore be made, and smaller proportions of farmers and labourers entered office than in King's sample.

Amongst other middling traders, constables with occupations from *Food & Drink* made up another 17.7 per cent of constables from 1730 to 1799, due largely to the high numbers of butchers and publicans entering office. The lower-status

³⁵ *London Gazette*, (London: 10th April, 1787).

³⁶ King, *Crime, Justice*, p.66.

³⁷ Robert D. Storch, 'The Old English Constabulary', *History Today*, Vol.49, No.11, (Nov. 1999), p.46.

middling *Building* trades employed 10.1 per cent of new constables, whilst *Heavy Trades* and *Shoemaking* each occupied around seven per cent of men. Five ‘esquire’ or ‘gentleman’ constables appear in the higher-status middling *Professions & Other* group but are not thought to have belonged to the gentry. For instance, Chipping Barnet’s 1780 constable, James Hill, appeared in the *Militia Lists* as a ‘gentleman’, but was a stone-mason in a 1790s’ trade directory.³⁸ These five gentleman-constables thus likely acquired their title through running successful businesses. All Hertfordshire constables belonged to the middling sort, or were waged employees, and no member of the gentry was found to have served.

Table 4.1 below summarises Appendix 3’s results. In total, around eighty per cent of Hertfordshire’s new constables from 1730 to 1799 had occupations which placed them amongst the middling sort within this study’s definition, and around twenty per cent received wages as agricultural workers or servants. A quarter of all constables had higher-status middling occupations, and around a quarter had lower-status middling trades, with almost six per cent more in the mid-range middling segment. French called for research into how far officeholding permeated middling wealth strata, and Hertfordshire’s results demonstrate that constables were drawn fairly evenly throughout the middling sector.³⁹ A further fifth of constables worked for wages, mainly as agricultural labourers, the largest occupational group in the study. Labourers fell below the middling sort in the hierarchy, but were not necessarily the fearful, ignorant ‘poorer sort’ disparaged by manuals. Some labourers took active roles in parish administration, including Barkway’s Rapier Guiver, its labourer-constable in 1782, who was one of ten signatories to parish officers’

³⁸ Chipping Barnet *Militia Lists*; Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, p.272.

³⁹ French, ‘Social Status’, p.73.

**Table 4.1: Hertfordshire Constables’
Occupational Status upon First Appointment, 1730-1799**

	1730-1799		<u><i>Period 1</i></u> 1730-1759		<u><i>Period 2</i></u> 1760-1779		<u><i>Period 3</i></u> 1780-1799	
	No Of Cons Appointed	% Of Cons Appointed	No Of Cons Appointed	% Of Cons Appointed	No Of Cons Appointed	% Of Cons Appointed	No Of Cons Appointed	% Of Cons Appointed
Higher-Status Middling Trades	298	25	56	27	167	24.4	75	24.8
Mid-Range Middling Trades	368	30.9	60	29	218	31.9	90	29.5
Lower-Status Middling Trades	290	24.3	45	21.7	159	23.2	86	28.5
Workers Receiving Wages	237	19.9	46	22.2	140	20.5	51	17
Total Number of Constables	1,193		207		684		302	

Sources: Hertfordshire Militia Lists; Bailey’s British Directory 1784; The Universal British Directory c.1790, Vols.II-V; parish records, various parishes. Collated from Appendix 3.

appointments in 1795, and parish clerk by 1799.⁴⁰ Similarly, Knebworth’s labourer-constables in 1750 and 1762 both acted as clerks.⁴¹

Innes asserted that the middling sort were commonly literate, read newspapers and would have had experience of authority as employers and officeholders.⁴² They might also have had more time to devote to office. Campbell’s *London Tradesman* 1747 quipped that middling grocers’ ‘Wives, Daughters, or perhaps a Servant-Maid does all the Business of the Shop’.⁴³ Similarly, Shoemaker described wives’

⁴⁰ Barkway, Bargus’s Survey 1799; Barkway VM 1795.

⁴¹ Knebworth Militia Lists; Knebworth, *Parish Registers 1596-1837*, (Transcribed at www.knebworthparishchurch.co.uk, [accessed 12th June 2013]).

⁴² Innes, ‘Politics and morals’, p.221.

⁴³ Campbell, *Tradesman*, 1747, p.189.

extensive involvement in running farms.⁴⁴ It is thus probable that Hertfordshire's predominantly middling constables could deal with the paperwork attached to their duties and had support from family and employees that allowed them to take time away from their businesses to attend to office.

Before examining whether constables' status altered during the eighteenth century, it is worthwhile considering how much men earned, to help contextualise the fees and rewards constables received in office. Hunt estimated that most middling families outside major cities had incomes of between £50 and £2,000 a year, with the majority earning £80 to £150.⁴⁵ Hitchcock *et al.* found that 'independent artisans' required £40 per annum to support a family, and these are assumed to be the lower-status middling workers within this study's definition.⁴⁶ Brown and Hopkins calculated that skilled builders earned twelve to fifteen shillings weekly and their labourers two-thirds of this.⁴⁷ This is slightly more than a builder received for working on Therfield church, because he charged 1s. 9d. for a day's work, or 10s. 6d. a week.⁴⁸ Many workers in a 1747 London trade directory were journeymen receiving lodgings and a weekly wage; such as, blacksmiths earning eight to nine shillings, breeches-makers twelve to fifteen shillings, cordwainers seven to twenty shillings and wheelwrights fifteen to eighteen shillings. Masters in each of these businesses made 'good' or 'reasonable' profits.⁴⁹ Frederick Eden's 1797 report on the poor found Redbourn's agricultural labourers earned seven to ten shillings

⁴⁴ Robert B. Shoemaker, *Gender in English Society 1650-1850. The Emergence of Separate Spheres?*, (Harlow: Addison Wesley Longman, 1998), pp.150-153. Contrast Earle who thought London's early eighteenth-century middling women played little part in running their husbands' businesses, Earle, *Making*, p.166.

⁴⁵ Hunt, *Middling*, p.15.

⁴⁶ Tim Hitchcock et al., 'Currency, Coinage And The Cost Of Living', *Old Bailey Proceedings Online*, 1674-1913, (version 7.0, 24th March 2012), www.oldbaileyonline.org, [accessed 27th June 2014].

⁴⁷ E. H. Phelps Brown and Sheila V. Hopkins, 'Seven Centuries of Building Wages', *Economica*, Vol.22, No.87, (1955), p.199.

⁴⁸ Undated account, Therfield, Churchwardens', Overseers' and Surveyors' Bills, 1722-1834, D/P107/8/6.

⁴⁹ Anon., *A General Description of All Trades*, (London: Printed for T. Waller, 1747).

weekly, although Young's 1804 agricultural report estimated Hertfordshire's wages averaged ten to twelve shillings weekly.⁵⁰ Boyer found that the wages of south-eastern agricultural labourers did not keep pace with rising prices in the later-eighteenth century, and the cottage industries that wives, children and seasonally unemployed labourers had used to supplement incomes declined after 1760. He calculated that families earning less than ten to fourteen shillings fell below subsistence levels.⁵¹ Many of Hertfordshire's labourer-constables would thus have failed to make ends meet towards the end of the century.

It was assumed that these declines in real wages would prompt more labourers to become constable in later-eighteenth-century Hertfordshire, in order to supplement their incomes with the constableness's fees and rewards. Kent found that wealthy farmers and the 'lesser gentry' had acted as constable in seventeenth-century Little Munden, but its early eighteenth-century constables had lower social status.⁵² King also noted status declines in Essex, and that a substantial proportion of the labouring poor acted as constable in the later-eighteenth century.⁵³ In London, Beattie found that later-seventeenth constables included substantial shopkeepers and artisans, but there was a sharp fall in the early eighteenth century of 'respectable' men becoming constable, in favour of lower-status men and paid substitutes.⁵⁴ To establish whether Hertfordshire experienced similar changes, the constables' occupational data was divided between three periods: *Period 1* runs from 1730 to 1759 and holds 207 of the 1,193 constables in the sample; *Period 2* covers 1760 to 1779 with 684 constables;

⁵⁰ Frederick Morton Eden, *The State of the Poor*, Vol.II, (London: 1797), p.275; Young, *General View*, 1804, pp.217-220.

⁵¹ George R. Boyer, *An Economic History of the English Poor Law 1750-1850*, (Cambridge: Cambridge University Press, 1990), p.12, pp.47-48. On standards of living, T. L. Richardson, 'The Agricultural Labourers' Standard of Living in Lincolnshire, 1790-1840: Social Protest and Public Order', *Agricultural History Review*, Vol.41, No.1, (1993), pp.3-4; Horn, *Rural World*, p.37, p.247; Mingay, *Social History*, pp.116-117.

⁵² Kent, 'Rural Middling', pp.24-25.

⁵³ King, *Crime, Justice*, p.70.

⁵⁴ Beattie, *Policing and Punishment*, pp.137-138, pp.149-150.

and *Period 3* is 1780 to 1799 with 302 constables.⁵⁵ The table in Appendix 3 shows these divisions for all constables' occupations, and the results are again aggregated in Table 4.1 above.

Hertfordshire's *Cultivators* in Appendix 3 supplied 18.3 per cent of all constables from 1730 to 1799, but the proportion of cultivator-constables actually fell from 19.8 per cent of all men in *Period 1*, to 15.6 per cent in *Period 3*. Within *Cultivators*, fewer prosperous yeoman-constables took office, reducing from 5.3 per cent of constables in *Period 1* to under one per cent by the end of the century, but this could have resulted from changing appellations and landholding practices, rather than wealthy farmers refusing office.⁵⁶ Had Hertfordshire constables' occupational status declined significantly towards the later-eighteenth century, a rise in constables receiving wages would have been expected to offset the fall in *Cultivators*. However, *Agricultural Workers*' appointments also declined, from 21.3 per cent in *Period 1* to 16.6 per cent in *Period 3*. Rather than Hertfordshire's farmers simply transferring the constableness to their labouring employees, more men with lower-status and mid-range middling occupations took office instead. The largest gains came in lower-status middling *Shoemaking*, which increased by around seven per cent between *Periods 1* and *3*.

These changes are again simplified in Table 4.1 above. The proportion of new constables belonging to the middling sort rose from around seventy-eight to eighty-three per cent across the century. Fewer higher-status middling men took

⁵⁵ *Period 1* covers thirty years, and not twenty like *Periods 2 and 3*, in order to increase the sample size in *Period 1*. 1,115 of the 1,193 occupations came from the *Militia Lists* which were compiled after 1757, loading the occupational data into the later two periods. This division also meant that *Period 3* began shortly before the social and administrative changes of the later eighteenth century, as discussed in Chapters Five and Six, and alterations in constables' service and status could be more closely allied to these changes.

⁵⁶ On the decline of 'yeomen', Alexandra Shepard, *Accounting for Oneself: Worth, Status, and the Social Order in Early Modern England*, (Oxford: OUP, 2015), pp.264-266; Robert C. Allen, 'Agriculture during the industrial revolution, 1700-1850', in *Cambridge Economic History of Modern Britain*, ed. Roderick Floud and Paul Johnson, (Cambridge: CUP, 2006), p.100.

office between *Period 1* and *Period 3*, but these losses were counteracted initially in *Period 2* by men in mid-range middling occupations. By *Period 3* the proportion of constables with lower-status middling occupations had also increased from 21.7 to 28.5 per cent. Hertfordshire constables' occupational status did decline slightly, but only within the middling sector. Waged labourers did not dominate office in Hertfordshire, as King found in Essex, and the constableness effectively became concentrated into middling hands.

New constables' status actually improved slightly immediately after the Hertford Quarter Sessions' directive of January 1783 that recommended men of good character be appointed as constable. Table 4.2 below shows the number and proportion of constables engaged in each of the three middling sectors, or working for wages, in the five years either side of the 1783 reforms. It was anticipated Hertfordshire justices' directive would raise the occupational status of constables taking office for the first time, and men with higher-status middling occupations indeed comprised almost five per cent more constables after 1783, whereas the proportion of all other occupational sectors fell slightly.

The number and proportion of Hertfordshire's constables working as victuallers is shown as a separate subtotal in Table 4.2, one of the Mid-Range Middling Trades in Appendix 3. *Obiter dicta* in *R. v. Dyer* 1703 directed that 'No man who keeps a public house ought to be a Constable', although the practice manuals cited herein did not repeat this recommendation.⁵⁷ Hertford Quarter Sessions' justices did not pronounce upon the suitability of licensees acting as

⁵⁷ Petersdorff, *Rex v. Darbyshire, Practical*, 1830, Vol. VI, p.84. Societies for the reformation of manners opposed victuallers' appointments in early eighteenth-century London, Beattie, *Policing and Punishment*, p.143. Over a third of Holborn's constables were victuallers in 1720 and had dubious reputations, Shoemaker, *Prosecution and Punishment*, p.222.

Table 4.2: Occupational Status of Hertfordshire Constables upon First Appointment before and after Quarter Session Reforms in 1783

	<u>1778-1782</u>			<u>1783-1787</u>	
	No. of Cons First Appointed	% of 234 Cons First Appointed		No. of Cons First Appointed	% of 226 Cons First Appointed
Higher-Status Middling Trades	44	18.8	January 1783. Local government reforms	53	23.5
Mid-Range Middling Trades	71	30.3		64	28.3
Lower-Status Middling Trades	61	26		55	24.3
Workers Receiving Wages	58	24.8		54	23.9
Total New Constables	234	--		226	--
Victuallers (included in Mid-Range Middling Trades above)	19	8.1		1	0.4

Sources: Hertfordshire *Militia Lists*; Bailey's *British Directory* 1784; *Universal British Directory* c.1790, Vols.II-V; parish records, various parishes; Appendix 3 herein.

constable during the eighteenth century until their 1783 reforms directed that publicans should not be sworn into office. Appendix 3 shows that victuallers comprised around eight per cent of all constables taking office for the first time from 1730 to 1779. In Table 4.2, they still represented around eight per cent of newly appointed constables from 1778 to 1782, but this figure fell sharply after 1783. In the five years following Hertford justices' directive, Tring alone appointed a publican who had never previously been constable.⁵⁸ Five other parishes had victualler-constables from 1783 to 1787, but these men had all served before 1782, likely proven

⁵⁸ Richard Munday appointed 1784, Tring *Militia Lists*.

themselves capable, and so continued in office after the reforms.⁵⁹ The 1783 directive consequently had a discernible effect upon the quality and type of new constables appointed.

Occupations and Length of Service

Analysing constables' occupations when each first entered office provided an incomplete picture of their service, as demonstrated by Buckland's constables. From 1771 to 1786, shoemaker Edward Beal and labourer John Cutts acted as constable, ostensibly dividing office between a lower-status middling tradesman and a waged agricultural worker. However, Beal served only one year and Cutts served fifteen, meaning that a labourer actually dominated the constablenesship. This section considers how long each occupational group served, in order to establish which had greatest commitment to office.

For more effective comparison with the previous occupational analysis, only the service records of the 1,193 constables with known occupations were used. Vestry minutes, quarter sessions summaries, manor court books and the *Militia Lists* recorded these 1,193 constables serving 2,837 constable-years from 1730 to 1799, giving 2.4 years average service each. Service records could not be found for every year, so continuous service was inferred in around fifteen per cent of cases when the constable's name appeared either side of a missing constable-year.

The results of this analysis appear in the table in Appendix 4, which again divides the seventy years from 1730 to 1799 into three periods, and shows the total constable-years served by men in each occupation, the proportion of constable-years this figure represented, and men's average length of service. *Period 1* covered 1730 to 1759 and had 207 constables serving 273 constable-years, or 1.3 years each.

⁵⁹ Standon, Offley, St Pauls Walden, Sandridge and Shenley *Militia Lists*.

Period 2 had 684 constables serving 1,628 constable-years from 1760 to 1779, or 2.4 years each. *Period Three* had 302 constables serving 936 years from 1780 and 1799, or 3.1 constable-years each.⁶⁰ Hertfordshire constables' average service accordingly more than doubled between *Periods 1* and 3. This increased service may have been a nationwide trend. Haywood's study of York found the city's constables served around two years each before 1790, but almost two-thirds of men remained in office for over three years thereafter.⁶¹ In rural Wigginton, Oxfordshire, Fearon calculated that constables served one or two years until the later eighteenth-century, but that three men served the entire period between 1787 and 1824, an average twelve years each.⁶²

Of the fifteen product groups in Appendix 4, all but the *Professions & Other* group increased their time in office during the eighteenth century, most more than doubling it. The most marked increases came from *Servants*, who quintupled their time served (from one to five years), and *Agricultural Workers* who more than quadrupled theirs. The proportion of *Workers Receiving Wages* first appointed as constable in Hertfordshire may have fallen across the century but, once in office, they remained there far longer.

To aid comparison, the third and fourth columns of Table 4.3 below summarise the results in Appendix 3 (occupations when constables first took office), and the fifth and sixth columns summarise those from Appendix 4 (constables actually serving). The final column gives average length of service from these occupational groups in each of the three periods. The columns with Appendix 3's results show that the proportion of new constables with higher-status middling trades

⁶⁰ Service often bridged two periods. Buckland's Constable Cutts who acted from 1771 to 1785. The first nine years of Cutts' service appear in *Period 2*, and his remaining six years in *Period 3*.

⁶¹ Haywood, 'York's Constables', p.30.

⁶² Fearon, ed., *Bodicote Accounts*, p.xiv.

fell from twenty-seven per cent in *Period 1*, to 24.8 per cent in *Period 3*. In Appendix 4's results, the proportion of higher-status middling men actually serving also fell from 26.4 per cent in *Period 1*, to only 20.5 per cent in *Period 3*. Fewer men with higher-status middling occupations thus entered office for the first time as the century progressed, and they also formed a smaller proportion of serving constables. Conversely, Table 4.3 shows parishes appointed around seven per cent more new

Table 4.3: Constables' Occupations and Length of Service

		Appendix 3 Trades on First Appointment		Appendix 4 Serving Constables		Average Constable- Years Served
		No. of Cons Appointed	% of Cons Appointed	Total Con- Yrs. Served	% of Con- Yrs. Served	
Higher-Status Middling Trades	1730-1759	56	27	72	26.4	1.3
	1760-1779	167	24.4	361	22.2	2.2
	1780-1799	75	24.8	192	20.5	2.6
Mid-Range Middling Trades	1730-1759	60	29	96	35.2	1.6
	1760-1779	218	31.9	450	27.6	2.1
	1780-1799	90	29.8	212	22.6	2.4
Lower-Status Middling Trades	1730-1759	45	21.7	49	18	1.1
	1760-1779	159	23.2	387	23.8	2.4
	1780-1799	86	28.5	236	25.2	2.7
Workers Receiving Wages	1730-1759	46	22.2	56	20.5	1.2
	1760-1779	140	20.5	430	26.4	3.1
	1780-1799	51	17	296	31.6	5.8
Total Constables Appointed, Years Served and Average Service	1730-1759	207	--	273	--	1.3
	1760-1779	684	--	1,628	--	2.4
	1780-1799	302	--	936	--	3.1
	1730-1799	1,193	--	2,837	--	2.4

Sources: vestry minutes, various parishes; manorial records, various manors; Hertfordshire *Militia Lists*; Appendices 3 and 4.

constables with lower-status middling occupations from *Periods 1* to *3*, and these men also comprised around seven per cent more of the serving constables. Men with lower-status middling occupations thus exhibited increased engagement with officeholding, although it still did not match the extended service from agricultural workers and servants. The proportion of these *Workers Receiving Wages* first taking office declined from 1730 to 1799 to only seventeen per cent of newly appointed constables, but they served for much longer and comprised around a third of serving constables after 1780.

These results show that Hertfordshire's more prosperous men looked upon the constableness less favourably by the later-eighteenth century, and that lower-status middling men or workers receiving wages remedied this breach. However, even on this analysis, the same declines in constables' status that King observed in Essex were not found, and labourers did not dominate office in Hertfordshire.

Constables' Comparative Status

This section examines the relative status of constables amongst other local officeholders and their communities, and the comparative prestige of the constableness itself. King found that wealthy Essex farmers left the constableness to poorer men, but that farmers and the gentry still acted as churchwardens and overseers, denoting a status gap between constables and these officers.⁶³ Furthermore, Goldie and Walker suggested that a *cursus honorum* existed, whereby even the highest-status residents gained experience in the 'minor' office of constable before progressing into 'higher' parish offices. This prevented the less esteemed offices being spurned by wealthier men.⁶⁴ Kent argued against this progression,

⁶³ King, *Crime, Justice*, p.67. Similar arguments for the seventeenth-century evinced by, Pitman, 'Tradition', pp.34-35; Wrightson and Levine, *Poverty and Piety*, pp.104-105.

⁶⁴ Goldie, 'Unacknowledged Republic', pp.165-166; Walker, 'Differentiation', p.93.

however.⁶⁵

This research established occupations for forty-eight Hertfordshire churchwardens, sixty-nine overseers and thirty-one surveyors. Table 4.4 below records the proportion of constables and parish officers following higher and lower-status middling trades, or working for wages. As seen above, parishes drew constables fairly evenly from amongst the three gradations of the middling sector and waged workers, but over two-thirds of churchwardens and overseers in Table 4.4 came from higher-status middling occupations, usually farming. Wage earners and lower-status middling tradesmen were far less likely to take parish office, supporting King's conclusion that churchwardens and overseers had higher occupational status

Table 4.4: Relative Status of Constables and Parish Officers

	Constable	Churchwarden	Overseer	Surveyor
	% of sample in office			
Higher-Status Middling Trades	25	66.7	70	18.2
Mid-Range Middling Trades	30.9	25.3	17	80.5
Lower-Status Middling Trades	24.3	6	8.7	1.3
Workers Receiving Wages	19.9	2	4.3	0
Sample Size 1730-1799	1,193	48	69	31

Sources: Hertfordshire Militia Lists; Bailey's British Directory 1784; The Universal British Directory c.1790, Vols.II-V; parish records, various parishes.

⁶⁵ Kent, *Village Constable*, pp.144-145.

than constables. Around four-fifths of Hertfordshire's surveyors followed mid-range middling trades and labourers never served. It may have been that parish office required the specialist skills of wealthier, higher-status middling men to, for instance, balance the parish's large poor law budgets.

Had men begun their officeholding careers as constable and then moved upwards into the office of churchwarden, all officers in the sample would have shared an occupational profile in Table 4.4, and all would have been drawn from a mix of trades. Instead higher-status middling men side-stepped the constableness altogether to serve as churchwarden and overseer, arguing against a *cursus honorum*. Hertfordshire constables' actual service patterns also did not always support progression in office. For example, Hinxworth's Thomas Coulson served three terms as churchwarden before becoming constable in 1765, and William Parker acted as surveyor five years before taking the constableness in 1764. Both Coulson and Parker were husbandmen when first entering parish office, but their status had risen to 'farmer' by the time they became constable.⁶⁶ Totteridge's men moved regularly between local offices in no discernible sequence.⁶⁷ However, Ayot St Peter apparently suffered a long-term manpower shortage: Johnathan Davis acted as both constable and churchwarden in 1735 and 1736, whilst Robert Neal filled both offices from 1775 to 1777.⁶⁸

Constables' movement between offices in seven other parishes appears in Table 4.5 below, which shows offices held before and after service as constable, the number of constables taking more than one parish office, and how many men served as constable alone. In Anstey, Aspenden, Chipping Barnet and Therfield, men moved randomly between local offices. Conversely, Kelshall's, Codicote's and

⁶⁶ Hinxworth *Militia Lists*.

⁶⁷ Totteridge VM.

⁶⁸ Ayot St Peter, Parish Account Book 1685-1780, D/P11/8/1.

Knebworth's men only entered parish office after serving as constable. However, Table 4.5 also shows that between forty-one and eighty-three per cent of men acted only as constable, and a high proportion served multiple terms. This indicates specialisation by men serving as constable, rather than progression.

Nevertheless, a *cursus honorum* existed amongst Cheshunt's manorial offices, with the constableness the principal office. Cheshunt had 172 individual constables from 1730 to 1799, forty-eight of whom only served as constable. Of the

Table 4.5: Parish Officeholding before and after Service as Constable

		Anstey	Kelshall	Codicote	Aspenden	Knebworth	Chipping Barnet	Therfield
Number of known constables		22	19	6	13	13	58	20
Offices held before serving as constable	Churchwarden	-	-	-	1	-	3	1
	Overseer	3	-	-	-	-	7	3
	Surveyor	1	-	-	1	-	-	3
Service as constable								
Offices held after serving as constable	Churchwarden	4	1	1	1	-	4	-
	Overseer	4	2	1	-	-	4	6
	Surveyor	5	-	-	1	4	1	6
Number holding more than one parish office		4	2	1	2	-	4	6
Number serving only as constable		9	15	5	9	9	43	11
Percentage serving only as constable		41	79	83	69	69	72	55
Number serving multiple terms as constable		12	11	3	9	5	16	13

Sources: Anstey, Codicote, Aspenden and Knebworth vestry minutes; Kelshall Churchwardens' Accounts; Chipping Barnet Manor Court Books and Churchwardens' Accounts; Therfield Manor Court Books and vestry minutes.

remaining 124 constables, eighty-nine per cent served in lesser manorial offices before becoming constable, usually as headborough.⁶⁹ Additionally, Cheshunt's constables were equally likely to take parish office before and after manorial service.⁷⁰ This strict progression was not observed in Barnet Manor, however, and may not have been the norm. In conclusion, Hertfordshire's results do not support Goldie's and Walker's contention that the constablenesship was the first stage an officeholding career.

A status gap existed between different types of local officers, but this study also wanted to test whether constables had elevated social status within their communities. Wrightson discussed how the wealthy and 'parish notables' had social obligations towards their inferiors who, in turn, acknowledged their superiors' power and their own dependence. He argued that such relationships were easier to maintain within small communities, where officers were also better able to assert their authority.⁷¹ Eastwood concluded that farmers and 'respectable tradesmen' formed a 'social elite which became the governing aristocracy of the parish', and they had considerable autonomous authority over its poorer inhabitants.⁷² Hertfordshire farmers' elevated status was confirmed by the allocation of church pews which conformed to a strict social order.⁷³ Totteridge vestry allotted its best pews to the 'sole use of the farmers inhabitants' and 'for the sole use of the wives, daughters or sisters of the farmers'. Singled out was 'Mrs Parsons, wife of Allen Parsons', a prominent vestryman who held all the parish offices during the 1730s, and afterwards

⁶⁹ Cheshunt MCBs.1-5.

⁷⁰ Cheshunt VMs.

⁷¹ Wrightson, 'Politics', pp.31-37; Wrightson, *English Society*, pp.57-61, p.171.

⁷² Eastwood, *Government and Community*, pp.43-47; Goldie, 'Unacknowledged Republic', p.164.

⁷³ On early modern pew allocation, Richard Gough, *Human Nature Displayed in the History of Myddle*, (London: written 1700 and reprinted, 1834), pp.16-69.

acted as Totteridge's constable three times.⁷⁴ Constables with comparatively high social status would thus have possessed a natural authority allied to their elevated position in society, and local officeholding would both confirm and enhance this authority.⁷⁵ This study made these comparisons in both village and town parishes.

Two vicars in north-eastern Hertfordshire surveyed their rural parishes at the turn of the eighteenth-century, although both men had elevated social status and might have ranked villagers' occupations lower than residents rated themselves. In 1799, Reverend Bergus surveyed householders in Barkway and Reed which had 1,016 inhabitants collectively, and Reverend Moss in 1803 surveyed the 707 residents of neighbouring Therfield.⁷⁶ Hertfordshire's population altered little after mid-century, so these surveys are representative of the population throughout most of the study period.⁷⁷ Table 4.6 below shows the number and proportion of 181 male householders from Barkway and Reed, and 105 from Therfield within the usual categories of *Higher-Status*, *Mid-Range* or *Lower-Status Middling Trades*, and *Workers Receiving Wages*. The occupations of the three villages' constables are similarly categorised in the final columns. It can be seen that the villages had twenty-five and twenty-one per cent of their residents employed in higher-status middling trades, usually farming, but thirty-two per cent of their constables came from this sector. Similarly, men with mid-range middling occupations made up twenty-five and four per cent of the village populations, but again accounted for thirty-two per cent of constables. Both of these occupational sectors were consequently over-represented in office. Conversely, both surveys showed that workers receiving wages

⁷⁴ 17th April 1750, Totteridge VM. Parsons appointed as constable in 1739, 1740 and 1749. Little Hornead built a pew for the residents of Berry Farm in 1742, Little Hornead, Registers of Baptism, Marriage and Burial 1679-1812, D/P56/1/2.

⁷⁵ Braddick, *State Formation*, pp.34-35; Kent, 'Rural Middling', pp.19-25.

⁷⁶ Barkway, Bergus's Survey 1799; Therfield, *Moss's Survey 1803*.

⁷⁷ Wrigley, 'English county populations', p.54.

comprised sixty per cent of male householders in the villages, yet only twenty-five per cent of their constables, leaving these wage-earners substantially under-represented in office. Newell's survey of Aldenham in southern Hertfordshire similarly found fifty-nine percent of its inhabitants worked as labourers.⁷⁸ However, this research calculated that only twenty-five per cent of Aldenham's known constables were labourers, revealing the same disparity as in the northern villages. Furthermore, only sixteen per cent of Aldenham's householders farmed, yet forty-three per cent of its constables were farmers, giving these higher-status men an even greater hold on office than in Barkway, Reed and Therfield. From these four villages' results, it was deduced that constables serving rural parishes generally had comparatively high social status within their communities and enhanced personal

Table 4.6: Occupational Status of Barkway, Reed and Therfield Inhabitants, and Their Constables

	Barkway And Reed Inhabitants In Bargus's Survey 1799		Therfield Inhabitants In Moss's Survey 1803		Barkway, Reed and Therfield Constables 1758-1803	
	No.	%	No.	%	No.	%
Higher-Status Middling Trades	45	25	22	21	9	32
Mid-Range Middling Trades	46	25	4	4	9	32
Lower-Status Middling Trades	10	6	16	15	3	11
Workers Receiving Wages	109	60	63	60	7	25
Sample size	181 men		105 men		28 cons	

Sources: Surveys by Barkway's Reverend Bargus, 1799, and Therfield's Reverend Moss, 1803; Barkway, Reed and Therfield *Militia Lists*.

⁷⁸ Fiona Newell, 'Social Mobility in the Population of Aldenham, Hertfordshire 1600-1800', in *Hertfordshire in History*, ed. Doris Jones-Baker, (Hatfield: Hertfordshire Publications, 2004), pp.110-118. See Appendix 1: Aldenham had 1,103 inhabitants in 1801.

authority.

Hertfordshire's towns had more inhabitants than rural villages, and a broader range of resident professionals, craftsmen and retailers.⁷⁹ For example, Berkhamsted had 1,690 inhabitants in 1801, and only around forty per cent of men were waged labourers and servants, not the sixty per cent found in villages.⁸⁰ Additionally, fewer than five per cent of Berkhamsted's men were cultivators. Constables' relative status in towns was tested by comparing constables' occupations with those of the principal inhabitants listed in later-eighteenth-century trade directories for ten Hertfordshire towns: Baldock, Berkhamsted, Bishops Stortford, Buntingford, Chipping Barnet, Hemel Hempstead, Hitchin, Northchurch, Ware and Watford. However, anyone appearing in directories paid for their listing, and these people perhaps exaggerated their own status.⁸¹ Table 4.7 below shows the occupations of 183 male principal inhabitants of four towns in *Bailey's British Directory* 1784, and of 759 male inhabitants from nine towns in the *Universal British Directory* of the 1790s.⁸² The table gives the proportion of residents in the usual fifteen occupational groups, and the number of constables listed in those directories. The final column contains the proportion of 274 constables appointed by these ten towns within each occupational group.

In Table 4.7, at least half of the towns' residents in directories followed higher

⁷⁹ On difficulties in defining 'town', Rosemary Sweet, *The Writing of Urban Histories in Eighteenth-Century England*, (Oxford: Clarendon Press, 1997), pp.3-5.

⁸⁰ Berkhamsted *Militia Lists*.

⁸¹ P. J. Corfield and Serena Kelly, 'Giving directions to the town': the early town directories', *Urban History*, Vol.11, (1984), p.32.

⁸² Baldock, Barnet, Hitchin and Ware, *Bailey, Directory*, 1784, pp.777-778, pp.876-877, pp.907-909; Barnet, Berkhamsted, Bishops Stortford, Buntingford, and Northchurch, Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.II, p.272, pp.278-281, pp.301-303, pp.391-393; Hemel Hempstead and Hitchin, Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.III, pp.254-256, pp.375-382; Ware and Watford, Barfoot and Wilkes, *UBD*, c.1790-1799, Vol.IV, pp.701-702, pp.875-876. Only a small proportion of the towns' middling men appeared in these directories. Berkhamsted had 1,690 inhabitants yet only 118 were listed in the *UBD*, of whom thirteen were gentlemen, not traders.

status middling occupations, whereas only around a fifth of the towns' constables did, meaning higher-status residents were under-represented as constable. Only six of the 274 constables serving the towns appeared in the directories amongst the higher-status middling traders, or around two per cent. The bulk of town constables came from the mid-range middling occupations and comprised around half of the men in

Table 4.7: Occupations of Hertfordshire Towns' Principal Male Inhabitants and Their Constables

	<i>Bailey's British Directory, 1784</i> Four Towns		<i>Universal British Directory, 1790s</i> Nine Towns		Town Cons 1742-98
	% Of 183 Inhabs.	No. Of Cons.	% Of 759 Inhabs.	No. Of Cons.	% Of 274 Cons.
Higher-Status Middling Trades					
Cultivators	1.6	--	14.5	3	9.5
Retail	14.8	--	13.3	2	5.5
Luxury Goods	1.6	1	0.6	--	0.7
Brewing & Malt	27.9	--	10	--	3.7
Professions & Other	15.3	--	9.6	--	2.2
Totals	61.2	1	48	5	21.6
Mid-Range Middling Trades					
Cloth & Clothing	1.6	--	4.2	5	5
Food & Drink	8.2	2	17.9	5	16.9
Crafts	8.7	4	10.9	9	4
Transport	3.3	--	1.1	--	0.7
Leatherworking	6	--	6.6	3	3.3
Totals	27.8	6	40.7	22	49.5
Lower-Status Middling Trades					
Building	7.7	4	6.7	4	11.6
Heavy Trades	1	--	1.7	1	6.3
Shoemaking	2.2	1	1.8	2	10.6
Totals	10.9	5	10.2	7	20.9
Workers Receiving Wages					
Agric. Workers	--	--	0.1	--	16.6
Servants	--	--	0.1	--	0.3
Totals	--	--	0.2	--	16.9

Sources: Bailey's British Directory, 1784; *UBD*, c.1790; *Militia Lists*; quarter session summaries; manor court and vestry books.

office. A further fifth of town constables had lower-status middling trades. These trades only engaged a tenth of men appearing in the directories, making this sector over-represented in office. These results confirm that towns had a broader range of trades than rural parishes, and that the highest status men in towns left the constablenesship to men with slightly lower middling status.

Hertfordshire's town constables thus did not come from the highest reaches of middling society. It is debatable whether this meant these mid-range middling men also stood 'in awe of the greater', as feared by Brown's 1677 manual, so 'dare not do what they ought' in enforcing unpopular regulations amongst their social superiors.⁸³

Physical Capabilities and Personal Qualities

It has been shown that Hertfordshire's selectors generally chose the comparatively 'better sort' of residents to act as constables, but practice manuals also demanded that an idoneus homo should be of sound mind and body, impartial and honest. Additionally, Hertfordshire's above-mentioned 1783 reforms required strong, decent, active men of good character to be selected as constable. This section examines whether the county's constables were all physically and personally suited to office.

Ritson's 1791 constables' guide emphasised the negative aspects of the constablenesship when declaring that, 'he who can best afford to lose his time and money, who has spirit and ability to sustain fatigue, and resolution to oppose insult and oppression, is the fittest person to discharge the Office of Constable'⁸⁴ Saunders Welch wrote his 1754 constables' guide after long experience as Holborn's high constable, and also presented a stark view of the 'very troublesome, sometimes

⁸³ Brown, *Duty*, 1677, p.13.

⁸⁴ Ritson, *Office*, 1791, p.ix.

fatiguing, and often dangerous' office of petty constable.⁸⁵ Welch urged men to maintain a cool temper, to ignore insults and to embrace sobriety in the execution of their duties, whilst Paul's *Compleat Constable* 1785 exhorted constables to act with 'vigilance and integrity', putting aside 'all partial prejudices or idle resentments' and 'wanton acts of power'.⁸⁶ Welch also expected constables to 'secure and protect the innocent from the hands of violence' and to be 'objects of terror' to 'gangs of villains', implying that they needed to be physically intimidating and unafraid of confrontation.⁸⁷ Manuals thus envisaged able-bodied, determined constables with physical presence and an ability to withstand criticism or intimidation. Furthermore, Dodsworth asserted that constables' authority rested partly upon their superior physical status, whilst Innes' study of a London reforming constable contended that he 'possessed a certain wiry strength and nerve'.⁸⁸

Identifying Hertfordshire constables' disabilities proved easier than establishing their physical fitness. Disabilities exempted men from militia service, and the *Militia Lists* revealed health issues for forty-two of Hertfordshire's 2,070 known constables, or fewer than one per cent. The lists described twenty-seven past, present or future constables as 'cripple', 'disabled', 'infirm' or 'lame', implying mobility issues, or poor physical condition. Bramfield's John North appeared in the lists as 'deformed' in 1759, as a one-eyed labourer in 1762, but as constable in 1768.⁸⁹ An accident with a saw deprived Sawbridgeworth's constable of half a thumb and the use of three fingers, but the cordwainer served from 1778 to 1781, despite being too infirm to join the militia.⁹⁰ Harpenden's butcher-constable in 1785 had a 'lame

⁸⁵ Welch, *Observations*, 1754, 'Introduction'.

⁸⁶ Paul, *Compleat Constable*, 1785, pp.88-89.

⁸⁷ Welch, *Observations*, 1754, pp.3-5.

⁸⁸ Dodsworth, 'Masculinity', p.40; Innes, 'Protestant carpenter'.

⁸⁹ Bramfield *Militia Lists*.

⁹⁰ Sawbridgeworth *Militia Lists*.

finger', missing digits being common amongst butchers in Hertfordshire's *Militia Lists*, whilst Northchurch's baker-constable, Richard Barnes, was 'consumptive' six years before taking office in 1783.⁹¹ Nevertheless, Campbell's 1747 trade directory described bakers as generally strong, robust men.⁹²

Three Hertfordshire constables had 'fits', whilst six were 'deaf', or 'hard of hearing'.⁹³ In 1775, deaf James Hunt became Aston's overseer and, for that year alone, Aston appointed a second overseer, presumably to help Hunt with his duties. Hunt served as Aston's constable in 1778 and 1779 but records do not show Hunt also using an assistant in this office.⁹⁴ Whilst the manuals' guidelines on men's physical capabilities were not met in practice, disability did not prevent Hertfordshire's constables serving extended terms. For instance, Sarratt's 'cripple' constable served nine years, and St Pauls Walden's 'infirm' constable acted for fourteen, indicating that men did not need peak physical condition to undertake their duties.⁹⁵

Gardiner's 1724 constables' guide said 'neither Madmen, or Ideots' should be appointed, but two Hertfordshire constables had mental health issues.⁹⁶ Widford farmer, Edward Bones, appeared in the *Militia Lists* as 'Melancholy' from 1763 to 1765, then as a 'Lunatic' in 1768, before becoming constable in 1769.⁹⁷ Barkway's Thomas Moule aired his poor mental health in the press a few months after completing his term as constable in 1796. His newspaper correspondence praised the

⁹¹ Harpenden and Northchurch *Militia Lists*. 'Consumption' described a range of respiratory diseases, including asthma commonly suffered by bakers, Anne Hardy, 'Diagnosis, Death, and Diet: the Case of London, 1750-1909', *Journal of Interdisciplinary History*, Vol.18, No.3, (1988), pp.392-393.

⁹² Campbell, *Tradesman*, 1747, p.276.

⁹³ Berkhamsted, Little Amwell, Bovingdon, Hoddesdon, Harpenden, Ware, Aston, Standon, Wheathampstead and Sandridge *Militia Lists*.

⁹⁴ Aston *Militia Lists*; Aston VM.

⁹⁵ Sarratt and St Pauls Walden *Militia Lists*.

⁹⁶ Gardiner, *Complete*, 1724, p.7.

⁹⁷ Widford *Militia Lists*.

Restorative Nervous Cordial in saying, ‘I was afflicted with a nervous complaint, a palpitation of the heart, which distracted my head, so that I could hardly see half a yard before me...in which situation I was for fifteen years’, until taking the medicine. However, Moule signed himself a ‘Shopkeeper, at Barkway’, who presumably stocked the product, so it is unclear how far this dubious affliction affected him in office.⁹⁸

Practice manuals also made recommendations on constables’ ages. Gardiner’s *Complete Constable* 1724 advised that ‘infants’ under twenty-one years of age and ‘old men above seventy’ or ‘feeble with old Age’ ought not to be chosen as constables.⁹⁹ Constables outside these ages were not found in Hertfordshire, but three-quarters of the 2,070 known constables were aged under forty-five because they appeared in the *Militia Lists*.¹⁰⁰ King found most constables in Ardleigh (Essex) served in their twenties and thirties, with few over fifty, but Hertfordshire’s constables continued into their fifties and beyond.¹⁰¹ Research found ages for forty-two Hertfordshire constables, eleven of whom were first appointed in their twenties, including two labourers and a blacksmith from East Barnet.¹⁰² Puttenham’s Joseph Ives became constable in 1762 at just twenty-two years old, but remained in post for twenty-five years.¹⁰³ Eleven others served in their thirties, and another fourteen in their forties, including John Godfrey of Chipping Barnet who became constable in 1761, when forty-two years old, and acted for seven years.¹⁰⁴ Five constables first

⁹⁸ *Morning Post and Fashionable World*, (London: 8th November, 1796).

⁹⁹ Gardiner, *Complete*, 1724, pp.6-7.

¹⁰⁰ The *Militia Act* 1757 originally had fifty as the upper age limit, but this fell to forty-five in 1762, J. R. Western, *The English Militia in the Eighteenth Century: the Story of a Political Issue 1660-1802*, (London: Routledge & Kegan Paul, 1965), p.247.

¹⁰¹ King, *Crime, Justice*, p.72.

¹⁰² Ages determined from, inter alia, *Militia Lists*; William Brigg, *The Parish Registers of Aldenham, Co. Herts, 1660-1812*, (St Albans: Gibbs & Bamforth, 1910); Cheshunt, *Monumental Inscriptions of the Parish Church of...Cheshunt*, (Transcribed and published by Hertfordshire Family History Society, 2004); Knebworth, *Parish Registers*; East-Barnet, *Marriage Registers 1755-1837*, (Transcribed by Martin Horton at www.stmarys-eastbarnet.org.uk, [accessed 4th August 2014]).

¹⁰³ Puttenham *Militia Lists*.

¹⁰⁴ Chipping Barnet VM 1765-87; Barnet MCB.5 1759-1770.

entered office after their fiftieth birthday, but four more took office earlier and continued into their fifties.¹⁰⁵ Baldock's Henry Leonard was Hertfordshire's oldest known constable, and married a local beauty in 1756 before assuming the constableness thirty years later in his early sixties.¹⁰⁶

Hertfordshire's constables were not all young and physically fit, and some were not as honest as practice manuals demanded either. Early modern constables' perceived bad characters and inefficiency made them targets for literary satire and ridicule, as with Shakespeare's comic constables, Dogberry, Dull and Elbow, although Kent argued that they were not as dilatory and wilfully disobedient as writers suggested.¹⁰⁷ Defoe in 1727 said that the constableness usually devolved upon 'a rare Raw-Head and Bloody-Bones, to frighten fines out of quiet people', and Paul's 1785 constables' manual complained that 'men of low character and worse morals' frequently held office.¹⁰⁸ Hertfordshire's constables did not lead blameless lives, but two garnered praise of their personal virtues after death. Edward Mounslow served East Barnet as parish clerk for sixty-four years, and as constable from 1758 to 1760, his gravestone proclaiming that 'An honest man's the noblest work of God'.¹⁰⁹ Similarly, Robert Ruskin, Cheshunt's 1785 constable, likely embodied the fair-minded *idoneus homo*, but failed to become the 'object of terror' Welch's manual sought. Ruskin's memorial inscription declared,

¹⁰⁵ William Lines c.54y.o. and John Day c.60y.o., Harpenden *Militia Lists*; Thomas Brooks c.54y.o., Meesden *Militia Lists*; Charles Munt and Robert Hide c.50y.o., Weston *Militia Lists*; William Dunham c.55y.o. Welwyn *Militia Lists*; Edward Mounslow of East Barnet 51y.o., obituary Jones, ed., *Hertfordshire*; Clement Barker of Cheshunt 54y.o., obituary, 'Incidents, Marriages and Deaths, in and near London', *The Monthly Magazine; or, British Register*, Vol.XL, Part II. Printed for Sir Richard Phillips, London: 1815), p.271.

¹⁰⁶ W. B. Gerish, *The "Maid of the Mill": a Story of Baldock*, (Bishops Stortford: 1912), p.6; Baldock VMB.

¹⁰⁷ Hugh C. Evans, 'Comic Constables - Fictional and Historical', *Shakespeare Quarterly*, Vol.20, No.4, (1969); Kent, 'Nature and Dilemmas', p.28. On persistence and influence of comic portrayals, Clive Emsley, *Crime and Society in England, 1750-1900*, (Harlow: Longman, 1996), p.219.

¹⁰⁸ Defoe, *Parochial*, c.1727, p.29; Paul, *Compleat Constable*, 1785, pp.88. For criticisms of London constables see, Harris, *Policing*, pp.10-11; Reynolds, *Bobbies*, pp.65-67.

¹⁰⁹ Frederick Charles Cass, *East Barnet*, (Westminster: London and Middlesex Archaeological Society, 1885-1892), p.245.

Husband kind and father dear
A faithful Friend lies buried here
Free from malice, void of pride,
So he lived and so he died.¹¹⁰

Sharpe found that half of the constables in one seventeenth-century Essex parish had committed misdemeanours, some repeatedly, whilst Kent found two-thirds of constables in seventeenth-century Pattingham, Staffordshire, had been amerced by its court leet for minor offences.¹¹¹ Hertfordshire's eighteenth-century constables were not found to have offended at this level, but twenty-five of the 2,070 known constables appeared before various courts, twenty of them from Cheshunt. These included the virtuous Robert Ruskin above, amerced by Cheshunt leet in 1789 for 'using unstamped and false weights and measures and being an old offender'.¹¹² In all, fourteen of the thirty-nine constables (thirty-six per cent) appointed in Cheshunt in the 1780s and 1790s received leet amercements for trading offences, before, during and after holding office, six of them for multiple offences.¹¹³ However, Cheshunt leet was unique in this level of prosecutions, making constables appear comparatively much less honest than those from other parishes.

Cheshunt's constables also appeared before magistrates. John Dench, constable in 1777 and 1778, had been amerced for trading offences in the leet and was jointly indicted with a co-constable for obtaining money under false pretences in 1778. Justices found them both not guilty.¹¹⁴ In 1742, Joseph Storey was convicted of 'profanely cursing twice' in a justice's presence less than three weeks after entering office, and farmer James Williams was summarily convicted of stealing an ash tree

¹¹⁰ Cheshunt, *Monumental Inscriptions*, p.46.

¹¹¹ Sharpe, 'Delinquency', p.95; Staffordshire, Kent, *Village Constable*, pp.146-148.

¹¹² Cheshunt MCB.5 1789-1799.

¹¹³ Cheshunt MCB.4 1775-1789; Cheshunt MCB.5 1789-1799.

¹¹⁴ *HCR*, Vol.VIII, p.275.

in 1772, two years after leaving office.¹¹⁵ That same year, Thomas Searing Junior and Senior, one of whom became Cheshunt's constable in 1776, were found guilty of assaulting the wife of Benjamin Hawkins, Cheshunt's 1774 constable, although Hawkins' wife and daughter were also fined.¹¹⁶ Cheshunt was unusually well documented, perhaps accounting for the disproportionately high incidence of offending amongst its constables, and greater document survival may perhaps have revealed more misconduct in other parishes.

Elsewhere, Berkhamsted's Robert Potter in 1758, assaulted a woman two years before becoming constable. A few months before taking office, Potter was also fined for assisting John Chappell in 'fraudulently and clandestinely removing and conveying away...a Cow' to prevent Chappell's landlord seizing it for rent arrears.¹¹⁷ James, William and Samuel Chappell all acted as Berkhamsted's constables during the 1760s, and Samuel Chappell shared office with Potter in 1762, indicating that Potter knew his co-conspirator well.¹¹⁸ This supports Wrightson's hypothesis that residents sometimes acted in accordance with 'fairly malleable local custom which was considerably more flexible than statute' in order to maintain local personal relationships.¹¹⁹ The incident also demonstrates the dilemmas of keeping order amongst family and lifelong friends.

In conclusion, Hertfordshire's eighteenth-century constables were not all honest and physically fit but, as Kent found for the seventeenth century, many came from the upper reaches of parish societies, and would have been the better sort of residents demanded by manuals.¹²⁰ Some of Hertfordshire's lower-status middling

¹¹⁵ *HCR*, Vol.II, p.81; Summary Convictions 1746-1779.

¹¹⁶ *HCR*, Vol.VIII, p.205.

¹¹⁷ *HCR*, Vol.VIII, p.72; p.85.

¹¹⁸ Berkhamsted, Constables' Book.

¹¹⁹ Wrightson, 'Two Concepts', pp.24-25.

¹²⁰ Kent, *Village Constable*, p.284.

constables and agricultural workers undertook the ‘Labour of the Hands’ that Coke warned would make men neglect office to attend to their employment, but the following chapter will show that constables were only rarely sanctioned for their official misconduct.¹²¹ Kent contended that constables’ elevated status distanced them from the labourers and paupers in their communities, whilst Wrightson argued that the middling sort allied themselves with magistrates and the clergy to enforce standards of behaviour that reflected their views as ratepayers and employers.¹²² Furthermore, Wrightson contended that deferential relationships were easier to maintain in small communities, so officers drawn from the parish’s principal inhabitants would have had less difficulty keeping order. Hertfordshire constables’ comparatively high social status meant that they perhaps also maintained a social and ideological separation from the ‘poorer sort’ and would have found it easier to assert their authority. However, Kent asserted that constables’ minor convictions made them ordinary members of village societies and gave them a more relaxed view of petty offending.¹²³ Constables might therefore have been more reluctant than magistrates to enforce the law strictly amongst their neighbours.

Hertfordshire constables’ occupational status altered little from 1730 to 1799, and the county’s results do not match King’s findings in Essex where the labouring poor dominated office by the later-eighteenth century.¹²⁴ Even though Hertfordshire’s waged agricultural workers and servants had substantially increased their time spent in office by 1780, they still only comprised a third of all serving constables. These mainly labourers – and any other men unable to work through disability, seasonal unemployment, or deteriorating fitness and eyesight – would have

¹²¹ Coke, *Reports*, 1727, Vol.VIII, p.41.

¹²² Kent, *Village Constable*, p.81; Wrightson, *English Society*, p.171, p.227.

¹²³ Kent, *Village Constable*, p.297.

¹²⁴ King, *Crime, Justice*, pp.69-70.

found that the constableness's regular fees supplemented incomes at a time when real wages in Hertfordshire declined, and many labouring families fell below subsistence levels.¹²⁵ Chapters Five to Seven will now show that office consumed more of constables' time, energy and money in the later-eighteenth century, perhaps explaining why higher-status middling men distanced themselves from office slightly. The need for experienced men to deal with these challenges might also account for the longer service from Hertfordshire's men.

¹²⁵ Boyer, *Economic History*, p.12, pp.47-48.

Chapter Five

‘a perfect union amongst yourselves’¹

Petty Constables as County Officers

Welch’s 1754 constables’ guide instructed constables ‘to secure and protect the innocent from the hands of violence; to preserve the public peace to the utmost of your power, and to bring the disturbers of it to condign punishment: This is briefly your duty’.² However, eighteenth-century constables’ duties went far beyond simply keeping the peace. This chapter presents new research on all aspects of constables’ tripartite roles as representatives of central government, as mediators between county authorities and their communities, and as authority figures within their own parishes. In particular, it considers exactly how constables implemented legislation, undertook county administration and subdued disturbances. It also examines the details of making an arrest, and constables’ responsibilities for assisting victims in prosecuting crimes. Throughout the following three chapters, the limitations of primary sources from Hertfordshire’s quarter and petty sessions, or parishes and manors, must be acknowledged because they often do not survive in any quantity or give few details of constables’ activities. Collectively, they illuminate *some* of the ways that magistrates and constables addressed the county’s crime, social and administrative

¹ Welch, *Observations*, 1754, p.3.

² Welch, *Observations*, 1754, p.3.

problems, or they can suggest trends in, say, offending and crime-fighting measures. However, their patchy survival does not permit any quantitative analysis of constables' duties that would tell us, for instance, how often constables responded to major crimes, the proportion of constables' time spent on crime-fighting, or the types of offences they encountered most often. Hertfordshire's sources thus provide occasional vignettes of constables' operation, not a comprehensive overview.

Social changes during the eighteenth century affected the levels of offending in Hertfordshire, and many aspects of county and local administration. The demobilisation of tens of thousands of servicemen after the War of Austrian Succession in 1748, the Seven Years' War in 1768, and the American Revolutionary War in 1783 brought high rises in both unemployment and theft indictments, that persisted until war recommenced and men left to serve again.³ Indictments should consequently have fallen when Britain entered the French Revolutionary Wars in 1793, but grain prices rose sharply in 1795 and 1799 due to wartime inflation and repeated harvest failures.⁴ Agricultural labourers' wages did not rise alongside prices, taking many Hertfordshire families below subsistence levels in the later-eighteenth century.⁵ Walker's 1795 agricultural report concluded that the county's 'cottagers (poor of the kingdom)' relied upon a 'vagabond subsistence' and, when this failed, they 'recur to pilfering' or poaching.⁶

Beattie saw correlations between high wheat prices and increased offending in rural Surrey and Sussex up to 1784, but King found such indictments fell in Essex in 1795 and 1796.⁷ Indictment rates at Hertford Quarter Sessions certainly rose after

³ Hay, 'War, Dearth', pp.124-126.

⁴ Pamela Horn, *Life and Labour in Rural England, 1760-1850*, (Basingstoke: Macmillan Education, 1987), p.52.

⁵ Boyer, *Economic History*, p.12, pp.47-48. On standards of living, Richardson, 'Agricultural Labourers', pp.3-4; Horn, *Rural World*, p.37, p.247; Mingay, *Social History*, pp.116-117.

⁶ Walker, *General View*, 1795, pp.53-54.

⁷ J. M. Beattie, 'The Pattern of Crime in England 1660-1800', *Past & Present*, Vol.62, (1974), pp.88-92; King, *Crime, Justice*, pp.149-150. On crime-poverty links, Heather Shore, 'Crime, Criminal

mid-century, as shown in Table 5.1 below. The number of offences tried increased from 315 before 1752 to 745 afterwards, although this could have reflected either increased crime, or victims' increased willingness to prosecute. Eighteenth-century victims usually bore the costs and trouble of arresting offenders and trying cases, but the *Disorderly Houses Act* 1751 awarded prosecutors' costs from county funds when securing a felony conviction.⁸ The *Constables Charges Act* 1778 extended this to all felony prosecutors, even without convictions, perhaps encouraging more victims to take action. However, King estimated that ninety per cent of victims still hesitated to take cases to jury trial and sought summary convictions or negotiated settlements from justices.⁹ The number of offences actually committed in Hertfordshire would consequently be far higher than the quarter sessions indictments in Table 5.1.

Table 5.1: Offences Indicted at Hertford Quarter Sessions, 1700-1799

Type of Offence	January 1700 to April 1752	May 1752 to January 1799
Assault	240	340
Larceny	63	378
Rioting	9	22
Burglary	3	5
Totals	315	745

Sources: Hertfordshire County Records, Calendar to the Sessions Books, Vol.VII (1700-1752), pp.xxxiii; Vol.VIII (1752-1799), p.xxi.

The above table shows that forty per cent more assaults came before Hertford Quarter Sessions after 1752, whereas Beattie found in London, Surrey and Sussex

Networks and the Survival Strategies of the Poor in Early Eighteenth-Century London', in *The Poor In England 1700-1850: an Economy of Makeshifts*, ed. Steven King and Alannah Tomkins, (Manchester: Manchester University Press).

⁸ 1751, *Act for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses. (Disorderly Houses Act)*, 25 Geo.II c.36, Pickering, *Constables Charges Act 1778, Statutes, 1778, Vol.XXXII. Part I*, pp.14-19.

⁹ King, *Crime, Justice*, pp.132-134.

that assize and quarter sessions assault indictments stabilised after 1740.¹⁰ Hertfordshire's larceny indictments also increased exactly six-fold after mid-century, from 63 to 378 cases, probably responding to successive demobilisations and the resultant rises in crime.¹¹ However, Table 5.1 does not record the serious crimes tried Hertford Assizes, including the increased numbers of violent thefts in London's environs after 1748.¹² In March 1751 alone, seven men were condemned to death for highway robberies in Hertfordshire, and an area near Bushey in the south became known as 'Thieves Hole'.¹³ Shoemaker found that highway robberies remained an ever-present threat close to London, including near Barnet.¹⁴ In 1774, the *Gentleman's Magazine* reported that 'a number of ruffians have infested the neighbourhood of Barnet, and committed the most daring robberies which has thrown the inhabitants into utmost consternation'.¹⁵ By 1800, a traveller reported Barnet as 'famous for being the most dangerous first stage from London, as to robberies'.¹⁶

In January 1783, newspapers reported a series of 'most cruel and wanton robberies' over eighteen months around Hertford and Ware, believed committed by the Clement family of Ware, and culminating in a brutal attack on farmers returning from market.¹⁷ A few days later, Hertford Quarter Sessions' justices responded to the 'numerous Roberies, Felonies, and Misdemeanors lately committed in this County' by instituting extensive local government reforms, which included

¹⁰ Beattie, 'Pattern', pp.66-67.

¹¹ Hertford Quarter Sessions also began trying grand larceny, usually the assizes prerogative, as did Surrey's, Beattie, *Crime and Courts*, pp.283-284.

¹² Nicholas Rogers, 'Confronting the Crime Wave: the Debate over Social Reform and Regulation', in *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, ed. Lee Davison et al., (Stroud: Alan Sutton, 1992), p.78.

¹³ Andrew Macnair, Anne Rowe, and Tom Williamson, *Dury & Andrews' Map of Hertfordshire: Society and Landscape in the Eighteenth Century*, (Oxford: Oxbow, 2016), p.81.

¹⁴ Shoemaker, *London Mob*, p.45.

¹⁵ Jones, ed., *Hertfordshire*, p.35.

¹⁶ Charles Dibdin, *Observations on a Tour Through Almost the Whole of England*, (London: G. Goulding, c.1800), p.233.

¹⁷ Including, *London Chronicle*, (London: 31st December 1782 - 2nd January 1783).

appointing men of good character as constables.¹⁸ The reforms ordered that parishes with one constable should appoint two, and larger parishes should have two constables and two headboroughs to patrol public houses. Additionally, constables were to enforce strictly statutes on licensing, vagrancy and Sunday observance, and it was deemed necessary that ‘frequent Petty Sessions should be held in the several Divisions of the County, and all High and Petty constables be summoned, and strict charges given them to apprehend and carry before the Magistrates all suspicious and disorderly persons’.

Berkhamsted’s magistrates pre-empted the latter call and established a ‘Rotation’ in late 1782, assumed to be permanent petty sessions manned by local justices between set hours so crimes could be reported immediately.¹⁹ Rotation offices had operated in London since 1737, but searches of online databases produced only two references to them outside London or Middlesex.²⁰ A 1797 guide for Leeds described a Rotation-Office which had been established in 1775, whilst a 1794 letter to the Home Secretary, regarding sedition near Sheffield, suggested establishing a Rotation because the town had 50,000 inhabitants and one aged magistrate.²¹ It is probable that resident gentleman-justices with London connections influenced the Rotation’s name and creation in Berkhamsted. The town’s Constable Russell in 1783

¹⁸ *HCR*, Vol.VIII, pp.311-313.

¹⁹ Berkhamsted constables’ accounts ran from Michaelmas to Michaelmas each year but individual entries were undated. The first (undated) reference to the Rotation appeared as the fifth entry in the account for 1782-1783, raising the presumption that it was established in late 1782. However, lack of dating means it may also have been created in response to Hertford Quarter Sessions’ directive in January 1783, Berkhamsted, Constables’ Book, J. M. Beattie, ‘Sir John Fielding and Public Justice: the Bow Street Magistrates’ Court 1754-1780’, *Law and History Review*, Vol.25, No.1, (2007), pp.71-75; John Briggs et al., *Crime and Punishment in England: an introductory history*, (London: UCL Press, 1996), pp.58-59.

²⁰ *British Newspapers 1600-1900 and Eighteenth Century Collections Online*, Gale-Cengage Learning, www.gale.cengage.co.uk, *Discovery: The National Archives*, www.discovery.nationalarchives.gov.uk; www.google.com.

²¹ Office in Kirkgate, Leeds, Anon., *A History of Leeds, Compiled from various Authors.*, (Leeds: c.1797), p.28. Originally established in Call Yard in 1775 and moved to new premises in 1796, *Rotation Office Yard, Kirkgate*, Leeds Library and Information Service, www.leodis.net; Sheffield. Letter dated 12th May 1794 from Rev. Russell of Dronfield to Henry Dundas on sedition, TNA HO42/30/20 Folios 52-53.

claimed fees for attending both the (petty) ‘sessions’ and the ‘Rotation’, indicating that they were separate venues, and Berkhamsted’s constables attended both institutions far more frequently after 1783.²² From 1747 to 1782, they attended the ‘Sessions’ 184 times, or 5.26 times a year but, from 1783 to 1799, they went to the ‘Sessions’ and ‘Rotation’ 155 times, or 9.96 times each year, almost doubling their workloads. Rises in offending in Table 5.1 may therefore have been concentrated into this later period.

The establishment of Berkhamsted’s Rotation in 1782 shows that the county’s magistrates were responsive and innovative when tackling offending. Additionally, Justice George Prescott in 1782 supplemented his powers outside formal sessions by reviving the court leet of his recently purchased Cheshunt Manor, prosecuting unprecedented numbers of publicans and retailers for trading breaches there, and recruiting his gentlemanly neighbours as aleconners to put the measures into effect.²³ His actions connected with quarter sessions justices’ objectives to place tighter controls upon pubs and publicans, so resident justices in other parishes might also have instituted informal measures linked to the 1783 directives. Parishes also acted upon the 1783 reforms. As already seen, constables’ social status rose after justices demanded men of good character be appointed, and parishes virtually stopped selecting publicans as constable. The proportion of Hertfordshire parishes appointing extra constables as recommended by justices is unknown, but Wigginton appointed a headborough for the first time from 1783 to 1786, whilst Aspenden and Therfield doubled their constables in 1783 and 1784.²⁴ Welwyn vestry debated the issue at the end of January 1783 but decided ‘that it will be better for the Parish to have only one Constable as usual till the general remove of Officers at Easter’. They then nominated

²² Henry Russell’s account 1783-1784, Berkhamsted, Constables’ Book.

²³ Cheshunt MCB.4 1775-1789 and Chapter Two.

²⁴ Wigginton *Militia Lists*; Aspenden VM 1651-1831; Therfield, Constables.

four constables to justices, not the usual two, at their 1783 Easter vestry.²⁵

However, the effectiveness of any measures to tackle crime in Hertfordshire relied heavily upon the activity of its constables, so their responsibility for peacekeeping, powers of arrest, and role in prosecutions must now be considered.

Arrests and Investigations

Burn's 1758 justices' manual described constables as common law conservators of the peace who remained subordinate to magistrates and liable to execute their warrants.²⁶ Burn's guide, and similar practice manuals, outlined constables' statutory duties or common law authority and said what constables *ought* to be doing, but rarely advised *how* they should go about it. This section uses Burn's manual as a procedural guide when examining the practicalities of arresting and detaining suspects.²⁷

Research showed that Hertfordshire's constables had certain equipment at their disposal when apprehending offenders. The first entry in Berkhamsted constables' accounts for 1747 to 1799 usually related to the expenses of 'receiving ye staff' of office and swearing constables' oaths.²⁸ Seventeenth-century justices in London ordered constables to nail the staff to their door to make constables easier to locate, but it is unknown whether Hertfordshire's justices required the same.²⁹ Staves likely acted as ceremonial objects, or to mark constables out in crowds, because Cheshunt paid 2s. 6d. in 1772 to have one painted and gilded.³⁰ Had staves doubled as truncheons, more references to their repair and renewal would have been expected in constables' accounts, whereas only Essendon and Ayot St Lawrence bought new

²⁵ Welwyn VM 1763-1784.

²⁶ Burn, *Justice*, 1758, Vol.I, pp.293-295.

²⁷ Mainly the 1758 edition, supplemented by later editions.

²⁸ Berkhamsted, *Constables' Book*.

²⁹ Shoemaker, *Prosecution and Punishment*, p.221.

³⁰ Stephen Leighton's account, 29th October 1772, Cheshunt, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

ones in the 1790s.³¹ Cheshunt vestry in 1755 ordered William Purnall to ‘deliver the long constables staff to Mr Thos Garner, the present constable’, suggesting constables also had a short (ceremonial) staff, and the town’s beadle was issued with a constables’ staff in 1754.³² Active duty did not require constables to carry a staff however. Barlow’s 1754 justices’ manual declared that ‘it is not the Staff which makes the Constable, but the Office which he is sworn into’.³³

Several Hertfordshire constables’ accounts recorded the repair and replacement of handcuffs. Berkhamsted’s constables spent sixpence in 1747 mending the lock, replaced the lock and key in the 1760s, and paid for two further repairs in the early 1780s, suggesting increased use in the latter period that coincided with more frequent attendance at the Sessions and Rotation. However, Berkhamsted’s two constables had only one set of handcuffs between them.³⁴ Parishes additionally maintained a set of stocks for detaining offenders, and Nelson’s 1729 justices’ manual said that constables could confine ‘Delinquents’ in the stocks for several hours, including swearers, drunkards and persons playing sports on Sundays.³⁵ This implies that constables, upon witnessing some offences or suspicious behaviour, could punish offenders in the stocks without magistrates’ authority. Burn’s 1758 manual confirmed that they could secure prisoners there, but only use the stocks to discipline offenders after formal conviction by magistrates. However, he added that constables could imprison anyone involved in an affray ‘of his own authority for a reasonable time, till the heat shall be over’.³⁶ Burn’s 1797

³¹ Luke Parnell, constable’s account 1794, Essendon, Constables’ Accounts 1770-1849, D/P37/9/1; Thomas Wilshire, constables’ account 1797, Ayot St Lawrence, Overseers.

³² Cheshunt B-of-O 1752-1781; Cheshunt, *Workhouse Minutes 1753-1799*, (Transcribed by Peter E. Rooke, 1957). Beadles’ duties discussed in Chapter Six.

³³ Barlow, *Justice*, 1745, p.142.

³⁴ Berkhamsted, Constables’ Book. The constable of Chertsey, Surrey, arrested drunks on Saturday night and held them in the ‘Roundhouse’ until seeing justices on Monday, Silverthorne, ed., *Richard Wyatt*, Vol.XXX, p.6.

³⁵ Nelson, *Office*, 1729, p.662.

³⁶ Burn, *Justice*, 1758, Vol.III, p.327; Burn, *Justice*, 1758, Vol.I, p.17.

manual authorised constables to imprison affrayers and drunkards in the stocks or lock-up until they had cooled down or sobered up, making no mention of constables subsequently needing to carry offenders before justices, and suggesting extension of constables' discretionary powers.³⁷

Great Amwell's 1769 vestry resolution supports the assumption that Hertfordshire's constables used the stocks to punish troublemakers without justices' sanction. The vestry ordered 'that a pair of stocks be placed in some convenient part of Amwell End for the confinement of Sabbath Breakers and other disorderly persons' and agreed upon a second set in 1771.³⁸ Hertfordshire's 277 constables' accounts from seventeen parishes only refer twice to stocks' use, when Harpenden's constable received 1s. 6d. in 1742 for 'Putting John Young into the stocks' for an unspecified offence, and Berkhamsted's constable confined a man in 1784. Constables may have used the stocks more but just not charged for the task.³⁹ Eccles found that Hampshire's eighteenth-century justices were keen for villages to maintain their stocks, but Shoemaker said that London and Westminster quarter sessions' justices did not punish offenders in the stocks after the seventeenth century, and did not issue orders for their maintenance after the early eighteenth.⁴⁰ However, stocks remained important in Hertfordshire constables' operation. Barnet Manor's leet jurors complained that their manor had no stocks in 1753, Berkhamsted Manor's jurors said Aldbury's needed repairs in 1759, and Therfield ordered a new set in 1792 from carpenter Barnard Preston, who became constable later that year.⁴¹ As with their handcuffs, Berkhamsted's constables repaired the lock on their stocks three

³⁷ Richard Burn and John Burn, *The Justice of the Peace and Parish Officer*, Vol.I, (London: Printed by A. Strahan, Eighteenth edition, 1797), p.139.

³⁸ 10th May 1769 and 20th March 1771, Great Amwell VM.

³⁹ Harpenden, Jacob Latimore, Constable's Account 1742, D/EX98Z2; Henry Russell's account 1784-1785, Berkhamsted, Constables' Book.

⁴⁰ Eccles, *Vagrancy*, p.45. Petty sessions' justices may still have issued orders, Shoemaker, *Prosecution and Punishment*, p.162.

⁴¹ Barnet MCB.4 1745-1758; Berkhamsted MCB 1746-1759; Therfield, Churchwardens 1722-1834.

times in the 1770s and twice in the 1780s, suggesting frequent use.⁴²

Some Hertfordshire parishes had small, secure buildings, or *cages*, for detaining troublemakers, including the surviving stone lock-up at Shenley with inscriptions proclaiming, 'Do well; fear not' and 'Be sober; be vigilant'.⁴³ Chipping Barnet's cage had few comforts, and constables twice bought straw for the floor, but it had fallen into disrepair by 1749 and churchwardens paid victualler-constable Richard Doubleday £1. 11s. to mend it.⁴⁴ Berkhamsted's constables repaired their cage in 1749 and 1760, but it may have deteriorated like the town's house of correction, because constables occasionally guarded offenders in local inns after 1784. For example, Constable Russell claimed 13s. 8d. in 1784 for keeping a man at *The Red Lyon* all night on suspicion of horse stealing, whilst Constable Bourne detained a man at *The Bell* in 1791 before taking him to justices.⁴⁵ Cheshunt's vestry received fifteen shillings in 1786 from three men confined to the cage 'as a penalty for being drunk', and constables' involvement in the informal punishment might be inferred. In 1789, Cheshunt vestry resolved to build a new 'proper place of security in the parish for people committed thereto by the justices', but 'substantial and firm enough to keep prisoners', implying that it was a longer-term punishment facility, and not just for temporary detention. The constable, a local shoemaker, 'promised to take care of prisoners' during its construction.⁴⁶

In making an arrest, Burn's 1758 justices' manual instructed that constables could arrest under magistrates' warrants, and that any 'constables, watchman, or private person', might arrest 'without any warrant or precept' in some circumstances.

⁴² Berkhamsted, Constables' Book.

⁴³ 'Shenley', in *A History of the County of Hertford*, ed. William Page, Vol.II, (London: Online edition at www.british-history.ac.uk [accessed 24th October 2015], originally published by Victoria County History, 1908).

⁴⁴ 1739 and 1740, Chipping Barnet, Churchwardens 1656-1760.

⁴⁵ 1789 enquiry into Berkhamsted bridewell's condition, *HCR*, Vol.VIII, pp.390-391; Berkhamsted, Constables' Book.

⁴⁶ Cheshunt VM 1781-1796.

Anyone witnessing a felony or wounding must arrest the offender immediately, Burn declared, and constables should apprehend ‘a breaker of the peace in his view’ and ‘keep him in his house or in the stocks, till he can bring him before a justice’.⁴⁷ The case of *R. v. Tooley* 1709 ruled that constables could also arrest without warrant upon ‘good grounds of suspicion’, but Burn did not reference this case, and only discussed magistrates’ discretion for arresting upon suspicion, so may have preferred constables to witness the offence.⁴⁸ However, Berkhamsted’s constables arrested ‘3 strollers on suspicion’ in 1748 and a suspected deserter in 1758.⁴⁹ Shoemaker found that assaulting or insulting a constable often led to an arrest by London’s early eighteenth century constables, where offenders might otherwise have escaped with a warning.⁵⁰ Constables consequently had considerable discretion when deciding whether particular behaviour warranted arrest, and whether that offender was subsequently presented to magistrates. Some London constables were corrupt, and Shoemaker found them extorting money from suspects to shield them from prosecution, but no such examples were found in Hertfordshire.⁵¹

Burn’s 1758 manual advised magistrates, upon being notified of an offence, to issue arrest warrants for felonies and breaches of the peace, but summonses for misdemeanours.⁵² Warrants required constables to arrest and detain offenders, whereas summonses demanded parties appear before justices.⁵³ Berkhamsted’s constables used the terms interchangeably in their accounts, as when Constable Harding in 1790 claimed for ‘serving a summons on Ben Forster & taking him to a

⁴⁷ Constables must witness the offence, Burn, *Justice*, 1758, Vol.I, p.84.

⁴⁸ Petersdorff, *Rex v. Darbyshire, Practical*, 1830, Vol.VI, p.87; Burn, *Justice*, 1758, Vol.I, pp.83-84.

⁴⁹ Thomas Johnson’s account 1748-1749, Thomas Bucknall’s account 1758-1759, Berkhamsted, *Constables' Book*.

⁵⁰ Shoemaker, *Prosecution And Punishment*, p.224. On London constables’ discretion see also, Harris, *Policing*, p.12.

⁵¹ Shoemaker, *Prosecution And Punishment*, p.222.

⁵² Burn, *Justice*, 1758, Vol.III, pp.426-427.

⁵³ Welch, *Observations*, 1754, pp.39-40.

Justice', implying an arrest, not notice to appear.⁵⁴ Clarification came with the fee claimed: Berkhamsted's constables charged a shilling for actioning a warrant, and only fourpence for a summons, reflecting the work involved.⁵⁵

Where the header of a warrant required all petty constables in the county to make an arrest, Burn's 1758 justices' manual said that each could only execute it within his own jurisdiction, or 'constablewick'. Warrants addressed to a specific constable could be executed anywhere within the justice's jurisdiction (that is, countywide), but constables could not be compelled to execute it outside their constablewick.⁵⁶ Nevertheless, Berkhamsted's constables crossed parish and county borders to arrest offenders. Constable Tomlin journeyed ten miles across three parishes to apprehend Richard Hunt in 1793, and Constable Loader left the county in 1786 to take 'John Geary into Custody for felony & taken him before a Magistrate In Bucks'.⁵⁷ Loader perhaps attended the Buckinghamshire magistrate under the *Apprehension Of Endorsed Warrants Act* 1750, to have his Hertfordshire warrant validated for the county.⁵⁸ If not, he acted upon a warrant outside its proper jurisdiction, and this would demonstrate a flexible interpretation of authority by justices and constables alike. In another case, an Essex constable made an arrest on Cheshunt's behalf. Harlow's constable in 1790 notified Cheshunt's parish officers 'that he knew where John Turner resided and...that he would apprehend him, the officers paying him for his trouble'. The vestry paid £1. 11s. 6d. to have Turner delivered to the Hertfordshire-Essex border, showing inter-county cooperation between magistrates, and collaboration between constables, although Essex was

⁵⁴ John Harding's account 1790-1791, Berkhamsted, Constables' Book.

⁵⁵ Berkhamsted, Constables' Book.

⁵⁶ Burn, *Justice*, 1758, Vol.I, p.85. Warrants could not be executed on Sundays, p.83.

⁵⁷ John Tomlin's account 1793-1794, Robert H. Loader's account 1786-1787, Berkhamsted, Constables' Book.

⁵⁸ 1750, *Apprehension of Endorsed Warrants Act*, 24 Geo.2 c.55.

probably keen to eject Turner.⁵⁹

It proved impossible to determine how often Hertfordshire's constables arrested offenders because victims paid constables' charges, so they did not appear in constables' annual accounts to parishes. Even where felony victims reclaimed costs from county funds, Hertfordshire's treasurer paid constables direct, and few such accounts survive. However, these included bills from Bishops Stortford's Constable Patmore who, on four occasions in 1793, charged a shilling for arresting a thief under warrant, and seventeen shillings for the twenty-eight-mile round trip to Hertford Gaol. Justices authorised the payment to Patmore a few days later.⁶⁰ Patmore worked as a middling stay-maker, who perhaps earned £80 to £150 annually, so these expenses provided a useful supplement to his income.⁶¹ Constables sometimes arrested offenders on parish officers' behalf, and these expenses did appear in constables' annual accounts. There they usually spoke of 'apprehending', 'taking' or 'having' offenders, not 'arresting' them, as when Berkhamsted's Constable Patrick claimed sixpence in 1756 for 'Taking up Tratt Jackson [and] Daniel East and having them to ye Justice'.⁶² A Therfield builder charging 1s. 9d. for a day's work, so sixpence would probably have compensated the bricklayer-constable for a few hours away from his labours.⁶³

Although constables answered to magistrates in arrests and peacekeeping, elements of communities' collective responsibility for maintaining order under the ancient system of frankpledge survived into the eighteenth century.⁶⁴ Bystanders were bound to assist constables in apprehending felons and suppressing affrays, but

⁵⁹ 22nd December 1790, Cheshunt VM 1781-1796.

⁶⁰ Accounts for Conveyance, QSMisc B132(3).

⁶¹ Bishop Stortford *Militia Lists*; Kirstin Olsen, *Daily Life in 18th-Century England*, (Westport: Greenwood Press, 1999), p.144.

⁶² William Patrick's account 1756-1757, Berkhamsted, Constables' Book.

⁶³ Therfield, Overseers' Vouchers.

⁶⁴ Kent, *Village Constable*, p.26.

Kent found that villagers sometimes refused, and assaulted constables during arrests.⁶⁵ Hertfordshire's quarter sessions summaries for 1730 to 1799 contained only two refusals to assist constables, although such cases might have been tried summarily. Stevenage's 1746 blacksmith-constable, John Kimpton, struggled to arrest John Wright for assault when four of Wright's friends and family attacked Kimpton. He appealed for assistance but two bystanders refused, and a third joined in the attack, resulting in the indictment of all three onlookers.⁶⁶ In 1763, Thomas Clark was indicted for not following Bishop Stortford constable's (unspecified) orders.⁶⁷ Constables occasionally paid for help in arresting offenders, including Berkhamsted's Constable Siret who hired an assistant when apprehending a recidivist, Caesar Rook, in 1799.⁶⁸ Many Hertfordshire parishes had headboroughs, but surviving constables' accounts only referenced them seven times, and no headborough submitted annual accounts to the parish in his own name. Berkhamsted's accounts from 1747 to 1799 had over two thousand entries but claimed only three fees for the headboroughs' oaths of office, and for headboroughs twice helping constables check weights and measures in the 1780s.⁶⁹ The only surviving headborough's bill for Hertfordshire went to the county treasurer when one of Hemel Hempstead's headboroughs, Richard Sweby, returned a deserter to his ship in 1776. Sweby and his assistants guarded the sailor for several days, before taking him to Deptford by cart, where they found no evidence of desertion. Unable to secure a Navy bounty, Sweby claimed £9. 11s. 10d. expenses from county funds.⁷⁰ Headboroughs could thus act independently, but rarely charged parishes for doing so

⁶⁵ Burn, *Justice*, 1758, Vol.I, pp.84-85; Kent, *Village Constable*, pp.264-265.

⁶⁶ *HCR*, Vol.VII, p.332.

⁶⁷ *HCR*, Vol.VIII, p.91.

⁶⁸ John Siret's account 1799-1800, Berkhamsted, Constables' Book. Rook did not appear in Hertfordshire's quarter sessions summaries.

⁶⁹ Berkhamsted, Constables' Book.

⁷⁰ Warrants for Vagrants, QSMisc B134.

in Hertfordshire. As previously asserted, they may merely have shadowed constables for training purposes.⁷¹

Inhabitants were also bound to help constables pursue offenders under the ancient *hue and cry* provisions whereby victims of felonies or serious woundings applied directly to constables with details of the offence and a description of the offender and asked constables to give chase. Constables could act without justices' warrants, but Burn's 1758 justices' manual deemed them advisable. Once invoked, common law required every man living in the hundred to join pursuit, and for constables to transmit information to all surrounding constables so they might extend the hunt.⁷² Therfield's constable received such a warrant in 1735 from a Cambridgeshire magistrate, describing a lost, black horse, believed stolen by the owner's servant, a tall eighteen-year-old in a light coat, lately enlisted in the Guards. The warrant commanded Therfield's constable to search the parish for the thief and 'to make hugh in cry after him from town to town from county to county', demonstrating that, unlike arrest warrants, these crossed jurisdictional borders.⁷³ In the early eighteenth century, parishioners had vested interests in apprehending robbers because, if felons remained at large for forty days, the hundred where the robbery took place became liable for compensation.⁷⁴ The latest reference to this provision was in Totteridge in 1734, when vestrymen granted an additional constables' rate to raise £10. 7s. 6d., being Totteridge's share of £234. 10s. 5d. 'robbery rate' charged upon Broadwater hundred to compensate four victims of highway robbery.⁷⁵ Kent found few examples of hue and cry searches in seventeenth-

⁷¹ See Chapter Three.

⁷² Burn, *Justice*, 1758, Vol.II, pp.218-220.

⁷³ Therfield, Warrant for Hue and Cry, 3rd August 1735, Churchwardens' Accounts, in Baptisms and Burials Book, D/P107/22/1.

⁷⁴ Burn, *Justice*, 1758, Vol.III, pp.212-213, citing *Statute of Winchester* 1258.

⁷⁵ Totteridge VM. Hertford Quarter Sessions' summaries recorded robbery rates last being charged in 1725, *HCR*, Vol.VII.

century constables' accounts.⁷⁶ Hertfordshire's 277 eighteenth-century accounts made only twelve references to them, the last in Therfield in 1752 when Constable Pain charged a shilling for 'carrying a hewing cry to Reed', two miles away.⁷⁷ This supports Styles findings that printed flyers and newspaper advertisements provided quicker, more effective ways of disseminating information about stolen property after mid-century.⁷⁸

Constables allowing culprits to escape from custody, could suffer the same punishment themselves, making it a felony to let convicted felons loose. Burn's 1758 justices' manual advised that constables could be prosecuted for failing to recapture prisoners ('negligent escape'), for releasing someone capitally charged ('voluntary escape'), or for engaging insufficient assistance when third parties wrested offenders from custody.⁷⁹ Only fifteen prisoners' escapes appeared in Hertfordshire's examined sources, three of which were men 'rescued' from custody, including Benjamin Gooding in 1772 whose relatives overpowered Bishop Stortford's constable.⁸⁰ Justices found three constables not guilty of allowing an escape, including Ardeley's long-serving Constable James Overall in 1771. Overall perhaps released Joshua Parker because he faced execution, demonstrating compassion for a neighbour in Ardeley's 484-strong community. Parker hanged for burglary the following year.⁸¹ Another escape revealed a constable's gross misconduct. In 1746, justices bound over Constable Game to appear for allowing the escape of Dye, accused of ravishing Sarah Bradshaw. Game stood charged with letting Dye escape,

⁷⁶ Kent, *Village Constable*, p.210.

⁷⁷ Stephen Pain's account 1751-1752, Therfield, Constables.

⁷⁸ John Styles, 'Print and Policing: Crime Advertising in Eighteenth-Century Provincial England', in *Policing and Prosecution in Britain 1750-1850*, ed. Douglas Hay and Francis G. Snyder, (Oxford: Clarendon Press, 1989).

⁷⁹ Burn, *Justice*, 1758, Vol.I, pp.374-378.

⁸⁰ *HCR*, Vol.VIII, p.201.

⁸¹ *HCR*, Vol.VIII, p.183. 30th March 1772, 'Joshua Parker', *British Executions Database*, www.britishexecutions.co.uk, [accessed 15th March 2015].

and with extorting money from Miss Bradshaw before he would execute the arrest warrant. Game's fate is unknown.⁸² Kent argued that any resistance constables encountered when arresting and detaining offenders added to the pressures of office, but that most did not meet with abuse.⁸³ So few escapes in Hertfordshire's quarter sessions summaries implies that constables retained firm hold of prisoners, although justices may have punished them summarily. For example, Cheshunt's Justice Moreland in 1775 fined Constable Alsop in a vestry for allowing an escape and ordered Alsop to pay £7. 10s. to the overseers, enriching his parish, not the county's coffers.⁸⁴ The large sum implies that Alsop, a glover, had sufficient means to meet it, and reflected the seriousness of the offence.⁸⁵

Eighteenth-century victims of crime initiated any investigations, but King concluded that constables remained reluctant to spare the time or brave the dangers of making arrests or investigating crimes, and Shoemaker said constables from Middlesex and Westminster hid to avoid being summoned.⁸⁶ Styles found constables joined the investigation process late, usually to detain offenders, whereas Gray said London's constables and watchmen both investigated and prosecuted offences.⁸⁷ Burn's 1758 justices' manual discussed 'Evidence' but did not require constables to interview witnesses or make enquiries.⁸⁸ Nevertheless, Hertfordshire constables' involvement in detection might be inferred. For instance, Ashwell's parish officers launched a bastardy prosecution in 1730 and its constable claimed expenses for carrying witnesses to justices, paid people for 'swearing about Bradford's child' and

⁸² *HCR*, Vol.VII, pp.328-329.

⁸³ Kent, *Village Constable*, p.259-264.

⁸⁴ Cheshunt B-of-O 1752-1781. See Chapter Seven. This may have been a bastardy case.

⁸⁵ Cheshunt *Militia Lists*.

⁸⁶ King, *Crime, Justice*, p.75; Shoemaker, *Prosecution and Punishment*, p.221.

⁸⁷ John Styles, 'An eighteenth-century magistrate as detective: Samuel Lister of Little Horton', *Bradford Historical & Antiquarian Society*, (1982), www.Bradfordhistorical.org.uk, [accessed 17th April 2014]; Gray, *Crime, Prosecution*, p.66.

⁸⁸ Burn, *Justice*, 1758, Vol.I, pp.387-400.

probably located the putative father.⁸⁹ Hertfordshire constables' court testimony also implied that they investigated offences, although probably alongside victims, or at justices' request. A serving and a former constable testified in William Hoskin's assault trial before Barnet Petty Sessions in 1797, and contradicted Hoskin's account of the incident, implying that they had interviewed witnesses and sought information.⁹⁰ Watford's active Constable Birch, an illiterate 'fishman', testified five times in assault and theft cases in the 1790s, but his bill for 'taking' Edward Hale for highway robbery in 1792, raised a strong presumption of detective work. The county paid Birch's £9. 11s. account for three trips into London searching for Hale, and two to Gravesend, where Birch gave a guinea to a 'Waterman for Intelligence', before returning to London to see Sir Sampson Wright, Bow Street's chief magistrate. Birch paid nine shillings to Wright's 'Man', indicating assistance from a Principal Officer of Bow Street who regularly investigated offences.⁹¹ This man fetched Hale's 'box' from his lodgings on Birch's behalf, perhaps retrieving stolen goods.⁹²

Justices could order constables to search for stolen goods, but victims or the county treasurer paid these costs, so only seven of Hertfordshire's 277 constables' accounts mentioned searches. Six of these came from Berkhamsted and included searching alehouses after a highway robbery in 1771.⁹³ Otherwise, constables' detective work remained largely undocumented. However, in Hertfordshire's small communities, constables often knew both victim and accused, so they are unlikely to have remained entirely remote from investigations, even if it only amounted to conversations with tradesmen, or soliciting neighbourhood gossip to report to

⁸⁹ John Brunton's account 1730-1731, Ashwell Constables' Accounts. On bastardy proceedings, see Chapter Seven.

⁹⁰ 5th July 1797, Barnet PS.1 1796-7.

⁹¹ Liberty Gaol 2 1786-1807; Watford *Militia Lists*. Bill receipted 5th February 1793, Accounts for Conveyance, QSMisc B132(3). On Bow Street, Cox, *Low Cunning*, p.32.

⁹² Beattie, *First English Detectives*, Chapter 4.

⁹³ Daniel Flaxman's and John Dell's accounts 1771-1772, Berkhamsted, Constables' Book.

justices.

Constables also likely relayed information received following public appeals for information. London magistrate, John Fielding, proposed a *General Preventative Plan* in 1772 for a criminal information network centred on Bow Street. The plan included publishing suspects' details in *The Hue And Cry*, which Fielding then distributed to quarter sessions' clerks nationwide.⁹⁴ In late 1772, both Hertfordshire quarter sessions divisions acknowledged receipt of Fielding's 'Plan for Preventing the Commission of Frauds and Felonies and the Escapeing of Offenders, together with a List of Offenders at large', and ordered all constables to display the lists on church doors.⁹⁵ In 1775, Fielding further proposed that high constables should live alongside the main roads to London so they could pursue felons more easily, and recommended appointing additional petty constables, although Styles found the proposals met a 'cool' reception nationwide.⁹⁶ Hertfordshire's quarter sessions justices did not direct parishes to appoint more petty constables in the 1770s, and its high constables did not relocate as Fielding suggested. However, the Liberty Quarter Sessions in 1777 asked Fielding to 'send the paper he published to William Allen, constable of Barnet, and William Cain, constable of Watford, because none of the high constables live near the high road'.⁹⁷ These two petty constables had current information on offenders, and were tasked with looking out for them, again implying involvement in investigations.

Victims of crime could also appeal for information through newspaper advertisements, although this proved expensive.⁹⁸ The prevalence of crime

⁹⁴ John Styles, 'Sir John Fielding and the Problem of Criminal Investigation in Eighteenth-Century England', *Transactions of the Royal Historical Society*, Vol.33, (1983).

⁹⁵ Hertfordshire County Records, *Notes and Extracts from the Sessions Records of the Liberty of St Albans Division. 1770-1840*, Vol.IV, William Le Hardy, ed., (Hertford: Charles E. Longmore, 1923), p.4; *HCR*, Vol.VIII, p.207.

⁹⁶ Styles, 'John Fielding', pp.143-144.

⁹⁷ *HCR Liberty*, Vol.IV, p.10.

⁹⁸ On different types of advertising, Styles, 'Print and Policing', pp.72-75.

advertising in Hertfordshire is difficult to measure because only five editions of local newspapers survive for 1730 to 1799. However, two of the county's constables advertised in London newspapers on their own accounts. Chipping Barnet's Constable Doubleday advertised in 1752 that a horse had been left at his public house and would be sold if not reclaimed.⁹⁹ Doubleday had a dubious reputation and shared constabular office with a horse-dealer, so the advertisement might have been a ruse to legitimise Doubleday's claim to a horse with doubtful provenance.¹⁰⁰ Two months before becoming constable in 1758, Berkhamsted watchmaker, Thomas Bucknall, advertised the loss of six watches along the road to London and offered four guineas reward.¹⁰¹ These constables, at least, were familiar with the practice of crime advertising, even if they are not known to have deployed it on victims' behalf.

Riots and Rowdiness

Hertfordshire's constables usually acted alone when making arrests of individual offenders, but also acted collectively to subdue major disturbances and riots on behalf of the county.¹⁰² The *Riot Act* 1714 defined a riot as a 'tumultuous' assembly of at least twelve persons that caused a disturbance or alarm to 'someone of reasonable courage'. It became a capital offence to refuse to disperse after justices read a proclamation ordering rioters to do so.¹⁰³ Burn's 1758 justices' manual further described the common law offence of riot arising from an 'unlawful assembly' of three or more persons intending to address a personal grievance in a way that would cause a breach of the peace through force or violence. Executing that intention made

⁹⁹ 'Country News', *General Evening Post*, (London: 5th-7th June 1783).

¹⁰⁰ See Chapter Seven for Doubleday's extensive business and officeholding interests.

¹⁰¹ 'Lost this day between Barkhamsted and London', *General Evening Post*, (London: 15-17th August, 1758).

¹⁰² For minor disturbances and parish peacekeeping, see Chapter Seven.

¹⁰³ Adrian Randall, *Riotous Assemblies: Popular Protest in Hanoverian England*, (Oxford: OUP, 2006), p.25.

it a 'riot', and Burn warned that constables 'may and ought to do all that in them lies' to suppress it. Disturbances on public concerns, like enclosure, were potentially high treason, and sudden quarrels at lawful gatherings constituted affrays.¹⁰⁴ Research revealed that Hertfordshire's constables and justices used 'riot' as a portmanteau term for any kind of disturbance.¹⁰⁵ Of the twenty-two rioters appearing at Hertford Quarter Sessions after 1752, only three 'riots' involved more than three people, at least two were pub brawls where people had gathered lawfully, and one was a lone man breaking windows.¹⁰⁶

In terms of preventing disorder, Welch's 1754 constables' manual, written by a former high constable, recommended constables join forces to tackle offending, saying he had 'so often experienced the ready assistance of my officers, in the most difficult and dangerous expeditions'. To this end, Welch advised constables to cultivate 'a perfect union amongst yourselves: a ready and chearful assistance of one another. This will render you formidable to those whom you should always be objects of terror'.¹⁰⁷ Innes found a London constable, William Payne, joined with constables attached to a reformation of manners society to address Sabbath breaking, blasphemy and gaming in the 1760s, but did not discuss him working alongside constables from other parishes.¹⁰⁸ However, petty constables from several Hertfordshire parishes joined their high constables to subdue disturbances and prevent disorder, as when Hertford Quarter Sessions' justices in 1772 commanded Hertford's, Bengoe's and Hertingfordbury's constables to 'attend with their Staves of Office' to guard the door

¹⁰⁴ Burn, *Justice*, 1758, Vol.III, pp.196-199. On common law riots, Randall, *Riotous*, p.24. On defining riot, John Stevenson, *Popular Disturbances in England, 1700-1832*, (Harlow: Longman, 1992), pp.5-7; Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England*, (Basingstoke: Palgrave, 2002), pp.33-41.

¹⁰⁵ On vague use of term 'riot' and difficulties in divining their causes, Beattie, *Crime and Courts*, p.76.

¹⁰⁶ *HCR*, Vol.VIII, p.87, p.99, p.178, p.192, p.194, p.291, p.348, p.350, p.353, p.367.

¹⁰⁷ Welch, *Observations*, 1754, p.3, p.45.

¹⁰⁸ Innes, 'Protestant carpenter'.

of the assizes.¹⁰⁹ Constables also patrolled public punishments, and the under-sheriff paid Hertford's high constable and six petty constables in 1788 to attend the whipping of two men.¹¹⁰ A 1790 constables' guide warned that constables might be expected 'to attend the last moments of expiring Criminals' where they should use their 'utmost endeavours to keep the solemnity of the awful scene' because spectators usually considered it 'a holiday-shew'.¹¹¹ Essendon's proximity to Hertford regularly gave its constables the grim task, the only constables known to have attended executions. Constables Taylor and Parnell attend three hangings in July 1785, and Essendon constables' accounts show constables patrolling executions at least once a year from 1785 to 1791.¹¹² In London, Beattie found that petty constables from the City and Middlesex joined forces to patrol public punishments and executions, and that justices also hired extra constables for the purpose.¹¹³ No examples of the latter were found in Hertfordshire's sources.

Innes discussed the revived interest for the reformation of morals in the 1780s, including magistrates' initiatives to tighten licensing laws, clamp down on vagrancy and address rising crime.¹¹⁴ Hertfordshire justices' 1783 local government reforms also addressed these issues. Additionally, Robert Malcolmson and Langford both described how 'genteel' and 'middle-class' attitudes increasingly disapproved of popular recreations, such as cock-fighting, after 1775. They condemned rowdy pastimes and attempted to prevent blood-sports and raucous entertainments taking

¹⁰⁹ Also in 1773, *HCR*, Vol.VIII, p.204, p.214.

¹¹⁰ Accounts for Conveyance, QSMisc B132(3).

¹¹¹ Anon., *Duty*, 1790, p.21. On hangings as spectacle or entertainment, and related disturbances, Steve Poole, 'For the benefit of example': crime scene executions in England 1720-1830', in *A Global History of Execution and the Criminal Corpse*, ed. Richard Ward, (Basingstoke: Palgrave Macmillan, 2015); Peter Linebaugh, 'The Tyburn Riot Against the Surgeons', in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, ed. Douglas Hay et al., (London: Penguin, 1977).

¹¹² Essendon, Constables.

¹¹³ Beattie, *Policing and Punishment*, pp.155-157.

¹¹⁴ Innes, 'Politics and morals'.

place, sometimes resulting in physical confrontations.¹¹⁵ Wrightson asserted that the middling sort shunned the popular culture of their poorer neighbours and adopted the values of gentlemen and magistrates, implying that Hertfordshire's largely middling constables may also have distanced themselves from revellers.¹¹⁶ A Hertfordshire attempt to suppress blood sports came in 1775 when High Constable Lawrence and six petty constables patrolled Hertingfordbury from 'morning till evening' on Boxing Day to prevent a bull-baiting taking place.¹¹⁷

Barnet proved a particular trouble spot. Its crowded race meetings were unequalled for 'mirth, mobbing and confusion', but the town also hosted a series of boxing matches in the 1780s.¹¹⁸ A 1787 fight between 'Mendoza, the Jew, and Martin, the Bath butcher' in front of a 10,000-strong crowd had been stopped by justices at Ealing, Middlesex, but took place three weeks later in Barnet.¹¹⁹ The fight drew considerable crowds, including the Prince of Wales, and one newspaper billed it as 'just without the reach of the Middlesex Justices'.¹²⁰ Another claimed the venue would remain secret until the last moment 'lest the sport of the day should be interrupted by the interference of the Magistracy'.¹²¹ The week after the fight, Hertford Quarter Sessions' justices resolved against allowing further 'pitched battles', with their attendant riots and breaches of the peace, and recommended justices patrol future events, accompanied by high and petty constables.¹²² This resolution perhaps forced Mendoza to stage his September fight five miles over the Hertfordshire border in Epping, Essex. Epping's constable did not recognise the

¹¹⁵ Robert W. Malcolmson, *Popular Recreations in English Society 1700-1850*, (Cambridge: CUP, 1973), Chapters 6-7; Langford, *Polite*, pp.498-505.

¹¹⁶ Wrightson, *English Society*, p.227.

¹¹⁷ *HCR*, Vol.II, p.136.

¹¹⁸ 'Barnet Races', *General Evening Post*, (London: 24th-26th August 1797).

¹¹⁹ Shoemaker, *London Mob*, p.209.

¹²⁰ 'Martin and Mendoza', *Whitehall Evening Post*, (London: 17th-19th April 1787).

¹²¹ *Public Advertiser*, (London: 14th April 1787).

¹²² *HCR*, Vol.VIII, pp.365-366.

combatants and stopped the match, but later declared ‘he would never have put his staff between them’ had he known ‘they were two such great men’.¹²³ As with the patrols at the Boxing Day bull baiting, constables restricted the community’s enjoyment and probably encountered resistance, although constables at the Mendoza fight had been ordered to attend by justices and would have been sanctioned for refusing. Groups of Hertfordshire’s constables patrolling events to ensure good order counters Emsley’s assertion that eighteenth-century constables were not a preventive force.¹²⁴

In June 1792, Hertford Quarter Sessions’ justices resolved to make every effort ‘for the prevention and suppression of all riotous and disorderly Meetings and for the preservation of the Public Peace’. They ordered high constables and peace officers to ‘use every means to carry the proclamation into effect’, a probable response to a 1792 royal proclamation for the suppression of seditious publications.¹²⁵ A few months later, organisers of another Barnet fight encouraged the crowd to resist justices’ and constables’ attempts to disperse them, and rioted for over an hour.¹²⁶ Justices charged the organisers with rioting and assaulting three constables, and bound two constables to give evidence. William French Cowley from Elstree was one of the injured constables and had probably been seconded into Barnet for the day.¹²⁷ In subduing these disturbances, Hertfordshire’s high constables might each call upon around twenty petty constables from the parishes in their hundred, a relatively small force amongst a large crowd. Magistrates could request military and militia assistance to subdue rioting, but Hertfordshire’s sources only recorded them

¹²³ ‘Humphries and Mendoza’, *World and Fashionable Advertiser*, (London: Issues dated 15th and 17th September 1787).

¹²⁴ Emsley, *Crime and Society*, p.217.

¹²⁵ *HCR*, Vol.VIII, p.421. Seditious writings were thought to encourage rioting, Jennifer Mori, *Britain in the Age of the French Revolution 1785-1820*, (London: Routledge, 2014), p.95.

¹²⁶ *HCR Liberty*, Vol.IV, pp.38-39.

¹²⁷ 17th January 1793, *Liberty Gaol* 2 1786-1807. See Chapter Seven for more on Constable Cowley.

doing so three times. The Yeoman Cavalry suppressed bargemen's rioting at Ware in 1798, and the army confronted rioting Irish reapers and anti-militia protests, as discussed below.¹²⁸

Prosecution associations, which allowed property owners to insure against the costs of investigating and trying offences, operated on London's periphery in the later-eighteenth century and may have helped Hertfordshire's magistrates to suppress disturbances.¹²⁹ Serving petty constables are not known to have been employed by, or subscribed to, these associations in eighteenth-century Hertfordshire, and there is no evidence that the associations criticised petty constables' efforts or employed their own constables. However, High Constable John Carrington attended Tewin Association's meetings in 1799.¹³⁰ Other Hertfordshire associations existed in the later-eighteenth century at Stevenage, Finchley and Friern Barnet, and Barnet itself.¹³¹ The Barnet Association had been instituted in 1747 and renewed in 1774 when the above-mentioned 'daring robberies' affected the area. It saw a second revival in 1792 which coincided with Hertford Quarter Sessions' crime prevention efforts discussed above.¹³² By 1798, the Association had widened its remit to crime-prevention and had resolved to block gambling at Barnet Races. Hertford Quarter

¹²⁸ HCR, Vol.VIII, p.477. On military force, Richard Vogler, *Reading the Riot Act. The magistracy, the police and the army in civil disorder*, (Milton Keynes: Open University Press, 1991), p.12. Magistrates had 'frequent recourse' to military intervention in rioting, Brewer, *Sinews*, pp.42-43. On the army's use in London, Shoemaker, *London Mob*, pp.146-147. On rural riot suppression, Walter J. Shelton, 'The Role of Local Authorities in the Provincial Hunger Riots of 1766', *Albion*, Vol.5, No.1, (1973).

¹²⁹ David Philips, 'Good Men to Associate and Bad Men to Conspire: Associations for the Prosecution of Felons in England, 1760-1860', in *Policing and Prosecution in Britain 1750-1850*, ed. Douglas Hay and Francis G. Snyder, (Oxford: Clarendon Press, 1989), pp.152-166.

¹³⁰ Johnson, ed., *Memorandums*, p.41.

¹³¹ Advertisement for 'Finchley and Friern Barnet Association', *Whitehall Evening Post*, (London: 27th-29th November 1788); Philips, 'Good Men'; P.J.R. King, 'Prosecution Associations and Their Impact in Eighteenth-Century Essex', in *Policing and Prosecution in Britain 1750-1850*, ed. Douglas Hay and Francis G. Snyder, (Oxford: Clarendon Press, 1989). Beattie questioned associations' effectiveness, J. M. Beattie, 'Judicial Records and the Measurement of Crime in Eighteenth-Century England', in *Crime and Criminal Justice in Europe and Canada*, ed. Louis Knafla, (Waterloo: Wilfrid Laurier University Press, 1981), p.133.

¹³² Report of meeting, 'Barnet Association', *St James's Chronicle*, (London: 11th-13th December 1792); J. H. Vinson, 'The Barnet Association in 1792', in *Middlesex & Hertfordshire Notes and Queries*, Vol.IV, (London: F. E. Robinson, 1898), pp.32-35.

Sessions' justices expressed their 'determination to assist the Association in every way possible' and, as they had already commanded constables to patrol Barnet's events, justices could have offered their services to the Association too.¹³³

Hertfordshire's disturbances did not always arise from entertainments, however. Harvest failures in 1794, and the subsequent scarcity and price of provisions in 1795 and 1796 prompted riots nationwide, and Hertford Quarter Sessions' justices in July 1795 recommended parishes supply their poor with bread.¹³⁴ That same month, Hertfordshire's magistrates stemmed wage rioting near Buntingford and Walkern, presumably with constables' help, but a Bayfordbury magistrate also wrote to the Home Office after receiving a note that threatened to burn nine towns if the price of bread remained high. Magistrates made ready to 'counteract [the protest] to the utmost of our power'.¹³⁵ The following day, Sir Abraham Hume of Wormleybury contacted the Home Office, warning that many farm servants around Hoddesdon intended striking for higher wages. Residents asked magistrates to swear in additional constables, so Hume contacted two Cheshunt magistrates, although no evidence of constables' appointments was found amongst available sources.¹³⁶ Kent found that seventeenth-century constables received little support when suppressing popular disorder, and that resistance came from all quarters of the parish, not just the poorer sort.¹³⁷

Women featured prominently in food protests, and Berkhamsted's Constable

¹³³ *HCR*, Vol.VIII, p.478; *HCR Liberty*, Vol.IV, p.55.

¹³⁴ *HCR*, Vol.VIII, pp.450-452. On dearth and riots, Roger Wells, *Wretched Faces: Famine in Wartime England 1793-1801*, (London: Breviary Stuff Publications, 2011); Stevenson, *Popular Disturbances*, Chapter 5. On spread of riots and attempts to combat shortages, John Bohstedt, *The Politics of Provisions: Food Riots, Moral Economy and Market Transition In England, c.1550-1850*, (Farnham: Ashgate, 2010), pp.167-182. On crowds and protest generally, Nicholas Rogers, *Crowds, Culture and Politics in Georgian Britain*, (Oxford: OUP, 1998).

¹³⁵ Buntingford. Letter dated 10th July 1795 from William Baker, enclosing note from nine parishes threatening bread price protests, TNA HO42/35/53 Folios 129-131. On legitimising notions of protest in challenging unfair pricing, Thompson, 'Moral Economy'.

¹³⁶ Hoddesdon. Letter dated 11th July 1795 from Sir Abraham Hume on Hoddesdon farm workers' wage strikes, TNA HO42/35/58 Folios 141-142.

¹³⁷ Kent, *Village Constable*, p.294.

Tomlin in 1795 attended a ‘meeting with women for rioting’, the wording of the entry implying that Tomlin went there to mediate.¹³⁸ Kent found that constables also led or joined inhabitants in social protests in response to pressure from their neighbours.¹³⁹ There are no examples of this in eighteenth-century Hertfordshire, but one former constable acted as spokesman for food rioters. In September 1795, large crowds ‘tumultuously and riotously assembled’ outside three bakers’ houses in Baldock, where labourers Edward Anderson and William Trigg demanded bread prices be lowered, broke windows and assaulted the bakers, for which they were fined.¹⁴⁰ An Edward Anderson had been Baldock’s constable in 1787 and 1788.

Forced militia enlistment also prompted disturbances in Hertfordshire. The *Militia Act 1757* required constables to compile lists of men eligible to serve in the county’s militia, and the legislation sparked protests nationwide. Berkhamsted’s magistrates met in September 1757 to ballot names from these lists, but crowds surrounded the meeting and refused to disperse, despite several hours’ negotiation. Justices eventually surrendered the lists but were warned of further attacks should more be compiled.¹⁴¹ Protesters also threatened Hertford magistrates’ homes a few weeks later, and Royston saw a ‘prodigious riot’ where an 800-strong crowd attacked the homes of two deputy lieutenants. The crowd dispersed when the cavalry arrived, and after receiving money, food and a promise not to enforce the legislation.¹⁴² Research established that Berkhamsted’s constables met their high constable and the militia lieutenants in autumn 1757, and would likely have been at the disrupted meeting, but did not claim fees for attending or subduing the disturbances in their

¹³⁸ John Tomlin’s account 1795-1796, Berkhamsted, *Constables' Book*; Stevenson, *Popular Disturbances*, pp.101-102.

¹³⁹ Kent, *Village Constable*, p.268.

¹⁴⁰ *HCR*, Vol.II, pp.179-180; *HCR*, Vol.VIII, p.454.

¹⁴¹ Western, *Militia*, p.290.

¹⁴² Western, *Militia*, pp.219-224, p.293; Bob Harris, *Politics and the Nation: Britain in the Mid-Eighteenth Century*, (Oxford: OUP, 2002), p.62; Randall, *Riotous*, p.169.

annual accounts.¹⁴³ The county possibly paid constables for any defensive action, but these accounts do not survive, and Hertford Quarter Sessions summaries do not reference the riots either. Notwithstanding the threat of reprisals, Berkhamsted's constables again fulfilled their militia duties in 1758, showing how official duties and community pressures conflicted.

Hertfordshire's constables were inevitably assaulted when making arrests or subduing disturbances. Hallifax's 1791 constables' guide observed that 'it is impossible for any man to execute [office] without manifest danger and hazard', so constables' bravery at tackling disorder must be acknowledged.¹⁴⁴ For instance, two hundred armed, Irish reapers rioted for higher wages in Kings Langley in 1761 and threatened to burn the town. They injured many, including Kings Langley's shoemaker-constable Thomas Warren and Bovingdon's deaf Constable Durrant, before justices summoned a regiment of the Royal Foresters quartered at nearby Watford to quell the disturbance.¹⁴⁵ Standon's Constable Warrick in 1769 testified that he had been called to arrest rioters at a local inn, where two men 'beat, wound and ill treat [him] so that his life was greatly despaired of to the great hindrance and obstruction of public justice'. Justices vacated the case, however.¹⁴⁶ Watford's Constable Birch, who had collaborated with the Bow Street officer above, suffered at least three assaults in the 1790s, one dispute resulting in a member of his family being bound over to keep the peace towards him.¹⁴⁷ Birch particularly must have acknowledged that arrests and subduing disturbances carried the danger of assault, and angering friends, family or neighbours. Wrightson discussed seventeenth-

¹⁴³ Account entries are undated, Berkhamsted, Constables' Book.

¹⁴⁴ Hallifax, *Sure Guide*, 1791, 'Preface'.

¹⁴⁵ *HCR*, Vol.VIII, p.82; Jones, ed., *Hertfordshire*, pp.21-22.

¹⁴⁶ 9th January 1769, Accounts of Issues: Session Records, QSMisc 1731-1776; *HCR*, Vol.VIII, p.162.

¹⁴⁷ John Birch bound over, 10th April 1790, 19th April 1792, 18th July 1793, Liberty Gaol 2 1786-1807.

century constables' hesitation in enforcing laws for fear of assaults and reprisals, but Kent found that most officers were never attacked.¹⁴⁸ Hertfordshire's quarter sessions summaries reported only thirty-three assaults on constables from 1730 to 1799, most merely noted as 'assaulted in the execution of his duty', but assaults may have been punished summarily.

Crime histories usually discuss constables working alone in making arrests, but research here has established that Hertfordshire's petty constables sometimes joined forces to control crowds and prevent disorder. The dangers of so few men patrolling large gatherings and the threat of assault were some of the pressures of office for constables, as was being forced to maintain order amongst neighbours they sympathised with, or relied upon for support. This highlights the conflicts inherent in constables' interhierarchical roles as agents of higher authority, and as community representatives.

County Administration

Hertfordshire's petty constables also collaborated in local administration, maintaining services and enforcing statutes. This often involved liaison with their high constables to make reports from their parishes and receive justices' instructions, and these duties are now considered here. The diary of Hertfordshire's John Carrington, high constable of Cashio hundred from 1771 to 1810, recorded him attending quarter sessions, hiring fairs and licensing sessions accompanied by his petty constables, and he met them regularly to gather information or convey instructions.¹⁴⁹ These meetings likely passed convivially: Therfield's constables in the 1730s claimed two or three shillings annually for 'Expensis at the high Constables

¹⁴⁸ Wrightson, 'Two Concepts', p.30; Kent, *Village Constable*, pp.253-264.

¹⁴⁹ Johnson, ed., *Memorandums*, p.2, pp.15-16.

feast', and Carrington dined with 'all my Constables' at his son's inn in 1799.¹⁵⁰ Not only were these meetings essential for effective administration, but they would have helped foster good working relationships between constables, making them more effective as a combined force, and presenting opportunities to exchange information or ask advice.

Constables often assembled after the high constable received a precept from justices that required them to transmit information to petty constables in their hundred. Precepts might order the preparation of lists of persons qualified to sit on juries, publicans' names for licensing sessions, or prospective overseers for justices' approval, as well as reminding petty constables to levy rates.¹⁵¹ For instance, Berkhamsted constables' accounts for 1747 to 1799 show them making jury lists at least once a year and swearing to their contents for a three-shilling fee.¹⁵² Constable Butler in 1760 charged a shilling for making the licensees' list in 1760 and two shillings for 'warning victuallers', which he could probably have done outside working hours. Butler was a labourer, earning around ten to twelve shillings weekly, so these routine fees increased his income significantly.¹⁵³

Justices also asked petty constables to provide written reports, or *presentments*, on stipulated offences not usually prosecuted by individuals, including disorderly alehouses and defective bridges. Shoemaker estimated that these accounted for around a fifth of all early eighteenth-century indictments.¹⁵⁴ Kent found that petty constables made presentments to the assizes and quarter sessions

¹⁵⁰ Therfield, Constables; Johnson, ed., *Memorandums*, p.40.

¹⁵¹ Jury list precepts include 9th July 1744, *HCR*, Vol.VII, p.314. Formalities in, Burn, *Justice*, 1758, Vol.I, p.290.

¹⁵² Berkhamsted, Constables' Book.

¹⁵³ Richard Butler's account 1760-1761, Berkhamsted, Constables' Book; Berkhamsted *Militia Lists*.

¹⁵⁴ Shoemaker, *Prosecution and Punishment*, p.216. For procedure, substance and origins of presentments, see, 1827, *Bill for discontinuing certain Presentments by Constables*, 7-8 Geo.IV Sess.1826-1827; Kent, *Village Constable*, pp.190-200; Hindle, *State and Social Change*, p.7, pp.148-171.

from the later-sixteenth century.¹⁵⁵ Research in Hertfordshire found that petty constables attended the assizes and quarter sessions personally until 1714, were empanelled on 'Constables Jurys', made their presentments, and the grand jury then selected some offences for trial.¹⁵⁶ However, Hertford Quarter Sessions' justices heard that most other counties did not require petty constables' attendance because it was a 'heavy burthen to the parishioners' who funded them, 'a trouble to the respective Pettytt Constables', and caused 'great hindrance and delay' when calling and swearing in constables. Justices instructed Hertfordshire's petty constables thereafter to meet their high constables the week beforehand, and for high constables alone to carry presentments into court. High constables were further ordered to read the 1714 directive to constables in their hundred.¹⁵⁷ Hertfordshire's High Constable Carrington thus met his petty constables at an inn to collect presentments before the assizes in 1800.¹⁵⁸ This meant petty constables no longer lost six days annually from their employment to attend the assizes and quarter sessions. Typical issues presented at Hertford Quarter Sessions included Theobald Street's constable reporting a damaged footbridge in 1745.¹⁵⁹

The *Book Of Orders* 1631 demanded closer scrutiny of constables' activities, and Kent found that constables were required to report monthly to petty sessions thereafter, increasing constables' workloads.¹⁶⁰ Additionally, Eastwood said that Buckinghamshire's magistrates expected constables to make detailed petty sessions returns after 1792 in order to impose reforms and improve constables' effectiveness.¹⁶¹ Barnet Petty Sessions' justices heard detailed presentments from

¹⁵⁵ Kent, *Village Constable*, pp.35-38; Kent, 'Centre', pp.384-385. On content of presentments, Quintrell, 'Making', p.563.

¹⁵⁶ On constables' juries, Webb and Webb, *Parish*, pp.464-466.

¹⁵⁷ *HCR*, Vol.VII, p.138.

¹⁵⁸ Johnson, ed., *Memorandums*, p.50.

¹⁵⁹ *HCR*, Vol.VII, pp.321-323.

¹⁶⁰ Kent, *Village Constable*, pp.35-38; Kent, 'Centre', pp.384-385.

¹⁶¹ Eastwood, *Governing*, p.227.

Chipping Barnet's Constable Lloyd in 1797, who reported two stagecoaches for travelling through the town during church services, and added that 'William Hoskin did prophane the Lords day by loudly and publicly singing indecent and lewd songs along the King's Highway'.¹⁶² However, Northaw's and Ridge's constables that same year each told Barnet's justices that they 'had duly executed the precept to him directed and that there is not to the best of his knowledge and belief anything presentable in his constablewick' Constables made similarly scant reports to Barnet's justices in earlier years.

Kent found that Hertfordshire's seventeenth-century constables were diligent in making presentments, but that other counties' constables were not so conscientious and often returned '*omnia bene*' (all's well), raising questions over their thoroughness.¹⁶³ Lemmings asserted that Hertfordshire's constables after the mid-eighteenth century progressively neglected to make genuine returns to quarter sessions on the state of their neighbourhood, and also merely declared 'all's well'.¹⁶⁴ This research found that only Aldenham's 1750 constable was indicted at quarter sessions for failing to return his presentments.¹⁶⁵ No other Hertfordshire constable was sanctioned for making inadequate reports, but Shoemaker said that London constables were rarely prosecuted for neglecting office.¹⁶⁶ He further asserted that a fall in quarter sessions presentments by Middlesex's early eighteenth-century constables resulted from justices preferring to deal with 'victimless offences' summarily.¹⁶⁷ An example of this was found in Hertfordshire. Following Constable Lloyd's 1797 presentment of stagecoaches and a roistering singer, Barnet Petty

¹⁶² 2nd August 1797, Barnet PS.1 1796-7.

¹⁶³ Kent, *Village Constable*, pp.195-197.

¹⁶⁴ Lemmings, *Law and Government*, pp.39-40. Burn thought presentments ineffective and expensive, Richard Burn, *The History of the Poor Laws...* (London: Printed for A. Millar, 1764), p.245.

¹⁶⁵ *HCR*, Vol.VII, p.357.

¹⁶⁶ Shoemaker, *Prosecution And Punishment*, p.223.

¹⁶⁷ Shoemaker, *Prosecution and Punishment*, pp.218-219.

Sessions' justices fined the coach proprietors instead of sending the case to the quarter sessions. The singer was already in prison for assault, so magistrates took no further action.¹⁶⁸

Nevertheless, constables from Ridge, East Barnet and Northaw did return 'all well' most years from 1750 to 1773, perhaps confirming Lemming's conclusion that Hertfordshire's constables increasingly neglected the duty.¹⁶⁹ Constables might have dealt with problems between petty sessions however, because Kent contended that they often approached justices as soon as issues arose, rather than waiting for formal occasions.¹⁷⁰ Hertfordshire's constables had numerous opportunities to consult resident magistrates around the parish, and for justices to establish whether constables were competent to work on their own initiative. Wrightson referred to seventeenth-century justices' 'doubly passive stance', whereby magistrates did not actively enforce legislation, but left petty constables to present local issues.¹⁷¹ Furthermore, Kent observed that constables employing community-led sanctions and negotiation to settle matters outside court were equally intent upon preserving order as those presenting offenders to justices.¹⁷² Hertfordshire's eighteenth-century magistrates might have lessened their own workloads by trusting constables to only present issues they could not resolve, or the most intractable offenders. Reports of 'all well' might thus point to Hertfordshire constables' reliability and efficiency, rather than their neglect.

In addition to reporting local issues to magistrates, Hertfordshire's constables made annual returns to justices under the *Militia Act* 1757, which required the county

¹⁶⁸ Barnet PS.1 1796-7.

¹⁶⁹ Barnet PS.2 1750-64; Barnet PS.3 1765-73; Barnet PS.1 1796-7.

¹⁷⁰ Kent, 'Centre', p.386.

¹⁷¹ Wrightson, 'Two Concepts', p.26.

¹⁷² Kent, *Village Constable*, p.296.

to contribute 560 men to a home defence force.¹⁷³ Constables are known to have implemented its provisions, but this research clarified exactly how they fulfilled those responsibilities. Burn's 1760 *Digest of Militia Laws* instructed that, upon their high constables' precept, petty constables should compile a list of all able-bodied men aged between eighteen and fifty, to undertake three years' militia service. The list was then attached to the church door for parishioners' inspection, whilst deputy lieutenants and justices arranged district meetings to receive the lists from petty constables and choose names by ballot.¹⁷⁴

Hertfordshire constables' charges for their militia duties were paid by their parishes, and Therfield's Constable Free, a miller, detailed the procedure in his annual account the first time he carried it out in 1758.¹⁷⁵ On 20th September, Free charged two shillings for 'Gooin about to take an account of peopls names for to serve on the Militia', then went six miles to Buntingford to return the names to justices. On 20th October, Free returned to Buntingford to see the names drawn, and went twice more in November when Therfield's nominated man took the militia oath. If all of Hertfordshire's constables followed the same procedures, then those from Berkhamsted would certainly have been with justices during the above-mentioned anti-militia riots in 1757 and found themselves involved in the protests.

Compiling the militia lists required considerable work and organisation on constables' part and presented challenges for Bovingdon's illiterate Constable Durrant, who charged five shillings in 1762 for taking names, but then gave Daniel Baldwin 7s. 6d. for writing the list. Durrant was also deaf so perhaps had trouble

¹⁷³ Western, *Militia*, p.449.

¹⁷⁴ Richard Burn, *A Digest of the Militia Laws*, (London: Printed by S. Richardson and C. Lintot, 1760), p.19, p.23. Constables duties remained unchanged in 1779 but the age limit had fallen to forty-five, Richard Burn, *A Digest of the Militia Laws*, (London: Printed for W. Strahan, 1779). Also, Western, *Militia*, pp.128-129.

¹⁷⁵ Account receipted 13th April 1759, Therfield, Constables.

hearing people's responses.¹⁷⁶ Constables noted any disability that exempted men from militia service but did not need to have doctors confirm disabilities to higher authorities, giving constables wide discretion in deciding who was eligible to serve.¹⁷⁷ There is no evidence that Hertfordshire's constables exempted family and friends, but parishioners certainly abused the system. Samuel Puttiford of Hatfield feigned illness in 1778 and an addendum to the *Militia Lists* by Hatfield's two constables claimed that Puttiford 'went immediately to work laughing at the Lieutenant and said that any person who would sham illness might always get off'. Magistrates demanded Puttiford be punished, but Hatfield's constable described Puttiford as 'Disabled' in the 1782 list, and noted in 1784 that Puttiford was 'inwardly afflicted and often attended by Mr Derby, Surgeon'.¹⁷⁸ Constables also probably encountered deception and entreaties, as when a Cheshunt man refused to identify himself in 1768 and the constable noted that he 'refused his name, likely to serve. Name inserted later'.¹⁷⁹ Rather than *picked* for the militia by magistrates, some men might thus have been *picked on*.

Serving constables had exemption from militia duties, and some Hertfordshire constables may have taken office to avoid being balloted for the militia repeatedly, again hinting that militia selection was not entirely random. William Skegg, a Layston tailor, was 'drawn' as a militia man for five years before becoming constable in 1782 and selected again for three years after stepping down. Also from Layston, justices drew William Phillips' name for militia duties seven times before he became constable in 1783, and Julius Wacket five times before taking office in 1786, even though many men in the village were never selected.¹⁸⁰ Similarly, ploughman Joseph

¹⁷⁶ William Durrant's account 1761-1762, Bovingdon VMB; Bovingdon *Militia Lists*.

¹⁷⁷ Burn, *Militia*, 1760, p.19.

¹⁷⁸ Hatfield *Militia Lists*.

¹⁷⁹ Cheshunt *Militia Lists*.

¹⁸⁰ Layston *Militia Lists*.

Blane of Bayford was ‘Appealed off’ militia service three times from 1781 to 1786, deleted without reason once, and declared lame, until he eventually became constable in 1787.¹⁸¹ In these, and several other cases, justices perhaps manipulated the ballot to drive some men into becoming constable for a year’s relief but one constable explicitly used officeholding to avoid militia duties. Thomas Cooper was Radwell’s only official constable from 1759 to 1781, but the 1778 *Militia Lists* also described farmer John Payne as constable. A footnote declared that ‘John Payne was sworn into the office of Constable only to avoid being drawn a Militia Man. There never were more than one Constable for that parish. Deleted as Constable’. However, the *Militia Lists* continued holding Payne out as constable until his death in 1782.¹⁸²

The threat of French invasion prompted central government to raise extra men by the *Supplementary Militia Act* 1796 and more anti-recruitment riots ensued.¹⁸³ In his 1797 account, Berkhamsted’s Constable Courtnell charged five shillings each for ‘setting down [the militia] by the old lists’, and ‘by the new list’, and attending the Rotation each time.¹⁸⁴ That same year, Hertford Quarter Sessions’ justices recognised the extra work involved in making the additional lists, and awarded constables five shillings for every journey under ten miles to attend meetings for the ‘supplementary militia’, or 7s. 6d. for longer journeys.¹⁸⁵ Hertfordshire’s labourer-constables at the time were earning ten to twelve shillings weekly, no doubt making the fee considerably attractive. Justices also promised constables a shilling reward for every twenty names returned on these supplementary militia lists, and sixpence for each balloted man, whilst the Liberty Quarter Sessions paid bonuses for

¹⁸¹ Bayford *Militia Lists*.

¹⁸² Radwell *Militia Lists*.

¹⁸³ Western, *Militia*, pp.219-224.

¹⁸⁴ William Courtnell’s account 1797-1798, Berkhamsted, Constables’ Book.

¹⁸⁵ Young, *General View*, 1804, p.217.

constables' 'trouble' in 1798.¹⁸⁶ This left impoverished constables balancing personal gain against community relations when enforcing the unpopular legislation. Hertfordshire's justices also provided ongoing training on militia procedures: High Constable Carrington attended St Albans with three of his petty constables in 1798 to receive instruction on making the lists.¹⁸⁷

French invasion fears multiplied in 1798. The *Defence of the Realm Act 1798* authorised the raising of 'Armed Associations' of loyal, propertied men to supplement the militia, and required each county to submit detailed returns of able-bodied men aged fifteen to sixty, or weapons and waggons available for home defence.¹⁸⁸ Hertfordshire's quarter sessions summaries did not reference this act, but justices apparently gave orders to compile lists in meetings outside quarter sessions. High Constable Carrington went to St Albans in April 1798 with 'all my constables to Receive Instructions from the Lieutenants and Justices for the Defence of the Country'. All of Carrington's petty constables returned their lists of resources in May, but St Pauls Walden's constable 'had not made aney they was Complained of and given a further time', showing constables were not always efficient with paperwork.¹⁸⁹ Berkhamsted's Constable Tate charged 2s. 6d. for 'Attending the Justice Meeting to set down all the Parish' in 1798 and then a further sum for 'Going round and making the List'.¹⁹⁰ Nearby Aldbury's constable likely attended the same meeting because his 1798 account showed three shillings expenses for 'Going for orders to set down the peepel', and three shillings more for returning 'the list of thear

¹⁸⁶ HCR, Vol.VIII, p.471. The Liberty sessions paid constables bonuses for their 'trouble' in 1798, *HCR Liberty*, Vol.IV, p.57.

¹⁸⁷ Johnson, ed., *Memorandums*, p.32.

¹⁸⁸ Linda Colley, *Britons. Forging the Nation 1701-1837*, (London: Vintage, 1996), pp.304-305. On voluntary mobilisation after 1793, J. E. Cookson, 'The English Volunteer Movement of the French Wars, 1793-1815: Some Contexts', *Historical Journal*, Vol.32, No.4, (1989).

¹⁸⁹ Johnson, ed., *Memorandums*, p.31.

¹⁹⁰ James Tate's account 1797-1798, Berkhamsted, Constables' Book.

names'.¹⁹¹ Berkhamsted constable's seventeen-shilling fee for 'Setting Down Men Women Children [and] Stock' appears justified when examining Essendon's list of resources.¹⁹² Oliver Mason, Essendon's long-serving labourer-constable, prepared an extensive schedule of 116 able-bodied men that included former constables pledging themselves 'Ready to serve if any Company formed for the Protection of the Parish and its Neighbourhood'.¹⁹³ Mason also listed those too old or infirm to serve, presumably exercising the same diagnostic discretion he used in compiling the *Militia Lists*. Mason's report included a detailed, two-page table of livestock, horses, waggons and foodstuffs in the parish. Colley thought the lists were compiled by 'harassed constables' and checked by clergymen, but the variations in Mason's neat handwriting indicate that he made his return after several interviews with parishioners, took great pains in drawing his spreadsheets of available resources, and was highly literate. Carrington's diary confirmed that high constables checked these returns.¹⁹⁴

Constables also had duties related to the regular army. Justices' warrants ordered constables to requisition carriages and drivers from inhabitants to transport soldiers marching through their parishes, and the commanding officers paid constables mileage allowances.¹⁹⁵ Hertfordshire constables' accounts show constables from more isolated parishes, such as Therfield, rarely undertook these duties, and they fell unevenly upon constables from thoroughfare parishes like Barnet and Berkhamsted.¹⁹⁶ Kent posited that eighteenth-century constables' military duties might become too burdensome if they were required to press soldiers for the century's

¹⁹¹ Thomas Cock's account 1797-1798, Aldbury, Constables' Accounts 1795-1798 within Churchwardens' Accounts 1795-1823, D/P2/5/3.

¹⁹² William Courtnell's account 1797-1798, Berkhamsted, Constables' Book.

¹⁹³ Essendon, Parish Defence Plans 1798 in 'Misc.', D/P37/10/2.

¹⁹⁴ Colley, *Britons*, p.304; Johnson, ed., *Memorandums*, p.31.

¹⁹⁵ Burn, *Justice*, 1758, Vol.III, pp.303-305.

¹⁹⁶ Therfield, Constables; Berkhamsted, Constables' Book.

successive wars.¹⁹⁷ Hertfordshire constables' 277 annual accounts had only one reference to forced recruitment, but Berkhamsted constables' expenses for arranging transport fluctuated with troop movements. Its 1760 constables claimed for 'pressing waggons' eight times, and then for requisitioned twenty-five waggons in 1779.¹⁹⁸ The latter coincided with the *Recruiting* or 'Press' Act 1779 under which constables helped local commissioners search for unemployed, idle or disorderly men for forced enlistment, and constables received twenty-shilling rewards for each enlisted man.¹⁹⁹ Berkhamsted's Constable Grove met his high constable three times at *The Swan* 'for searching after soldiers' in 1779, but no other constable from Berkhamsted or elsewhere made similar claims.²⁰⁰ The act was repealed the following year.

Soldiers also needed accommodating, so constables arranged billets with stable-keepers and publicans, which often caused disagreements.²⁰¹ Welch's 1754 constables' guide advised constables to intervene between landlord and soldier, and 'endeavour to friendly reconcile them', suggesting constables routinely acted as mediators.²⁰² Hostilities sometimes broke out between soldiers and constables, as in 1796 when Barnet's Constable Lloyd complained that a Dragoon sergeant had assaulted him and forced him to billet more than the permitted quota. The regiment's quartermaster attended Barnet Petty Sessions 'and with becoming demeanour apologised', as well as promising 'satisfaction' for Lloyd if the complaint might be kept from the Secretary of State at War.²⁰³ This again shows constables caught between authorities and communities, but also their involvement in negotiation and

¹⁹⁷ Kent, *Village Constable*, p.310.

¹⁹⁸ Berkhamsted, *Constables' Book*.

¹⁹⁹ Hallifax, *Sure Guide*, 1791, pp.41-45; 1779, *Act for...more easy and better recruiting of his Majesty's land forces and marines...(Recruiting or 'Press' Act)*, 19 Geo.III c.10. Stephen Conway, 'British Mobilization in the War of American Independence', *Historical Research*, Vol.72, No.177, (1999), pp.69-73.

²⁰⁰ Joseph Groves' accounts 1778-1780, Berkhamsted, *Constables' Book*.

²⁰¹ On duty to billet soldiers, Burn, *Justice*, 1758, Vol.III, p.305.

²⁰² Welch, *Observations*, 1754, p.41.

²⁰³ 18th May 1796, Barnet PS.1 1796-7.

compromise led by justices.

In summary, constables' responsibilities for arresting offenders have long been acknowledged by historians, but this chapter presented new perspectives on eighteenth-century crime-fighting by clarifying how arrests were made, the equipment or assistance constables employed, and the discretion exercised in detaining suspects. Shoemaker observed that it is impossible to know how diligently constables apprehended and presented offenders, but few of Hertfordshire's eighteenth-century constables were censured for neglecting their duties, implying that they were perhaps as conscientious as the sixteenth and seventeenth-century constables in Kent's study.²⁰⁴ This chapter has also shown that Hertfordshire's constables had greater involvement in investigating offences than King found for Essex, including pursuing offenders, making enquiries and relaying information.²⁰⁵ Hertfordshire's crime levels rose in the later-eighteenth century, and southern parishes in London's orbit experienced more robberies and disturbances, but Hertfordshire's constables supported justices' efforts to tackle crime or keep the peace. Innes contended that Hertfordshire justices' 1783 local government reforms to deal with offending were not as influential as those in other counties, but it has been demonstrated that they affected the number and quality of constables appointed, and were at the centre of a groundswell of activity from magistrates, including the establishment of a Rotation Office at Berkhamsted when few are known outside London.

Emsley argued that eighteenth-century constables were not a preventive force, but Hertfordshire's constables patrolled events to avert disorder, and constables from different parishes acted collectively in small constabulary-type forces under

²⁰⁴ Shoemaker, *Prosecution and Punishment*, p.220.

²⁰⁵ King, *Crime, Justice*, p.75.

magistrates' direction.²⁰⁶ This collaboration was also observed in local administration. Constables should not hereafter be viewed simply as lone officers, but as part of a union of individuals pursuing a common purpose in some aspects of judicial and local administration.

Hertfordshire constables' workloads multiplied in the later-eighteenth century, when social changes and economic conditions also lowered living standards for agricultural workers. Hertfordshire's low-paid labourers and servants may thus have served increasingly longer terms as constable after 1780 to supplement their falling incomes with the fees and rewards of office. The following chapter discusses how those same social changes increased the number of vagrants on Hertfordshire's roads, how the county's constables dealt with them, and the resultant high profits.

²⁰⁶ Emsley, *Crime and Society*, p.217.

Chapter Six

‘wandering Beggars and Strollers of every Denomination’¹

Constables, Vagrants and the Travelling Poor

Eighteenth-century vagrancy legislation covered numerous offences, often linked to poverty, which gave justices almost unlimited discretion to criminalise undesirable characters.² This chapter considers vagrancy administration from the constable’s viewpoint for the first time, and uses Hertfordshire’s vagrancy returns, quarter sessions records and constables’ accounts to show how they translated law into practice when dealing with the countless travellers on the county’s roads.

Parishes originally bore the expense of arresting and removing vagrants, but these costs became the county’s responsibility after 1700, to increase the likelihood of vagrants’ arrest.³ Thereafter the *Vagrancy Acts* of 1714, 1740 and 1744 broadly required constables to arrest suspected vagrants, who were then ordered by justices to be punished and returned to their parish of legal settlement.⁴ As with crime levels

¹ *HCR*, Vol.VIII, p.312.

² Eccles, *Vagrancy*, p.140; Hitchcock et al., 'Loose, idle', p.510.

³ 1700, *Act for the more effectual punishment of vagrants, and sending them where by law they ought to be sent (Vagrant Removal Costs Act)*, 11 & 12 William III c.18; Eccles, *Vagrancy*, p.4.

⁴ 1714, *Act for reducing the laws relating to rogues, vagabonds, sturdy beggars and vagrants...and sending them where by law they ought to be sent (Vagrancy Act)*, 12 Anne stat.2 c.23; 1740, *Act for amending and enforcing the laws relating to the rogues, vagabonds, and other idle an disorderly persons (Vagrancy Act)*, 13 Geo.II c.24; 1744, *Act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction, (Vagrancy Act)*, 17 Geo.II c.5.

in Hertfordshire, the county's proximity to London increased constables' vagrancy administration workloads in the later-eighteenth century. The end of the American Revolutionary War in 1783 resulted in the demobilisation of 130,000 servicemen, many of them drawn originally from the labouring poor, who were left to travel home independently from London or Portsmouth, begging along the way.⁵ Concurrently, overcrowding in London's prisons and houses of correction prompted magistrates to remove vagrants quickly from the capital, rather than punish and detain them, forcing more onto Hertfordshire's roads.⁶ Hitchcock *et al.* also found more paupers appeared before London and Middlesex's justices in the 1780s claiming to be vagrants in order to secure the subsidised accommodation and transport home offered by vagrancy removal orders. London's justices consequently issued removal orders virtually upon demand, transferring the costs of supporting these paupers onto the counties they passed through.⁷ How Hertfordshire's constables dealt with these responsibilities and their concomitant expenses must now be considered.

Apprehending Vagrants

Contemporaries blamed vagrancy upon character flaws, idleness and immorality, and called for the strict enforcement of the legislation.⁸ The *Vagrancy Act* 1744 described three categories of vagrant liable for arrest; namely, 'idle and disorderly persons', 'rogues and vagabonds' and 'incorrigible rogues', which included people refusing to work, beggars, minstrels, men deserting their families, and any person 'not giving a good account of themselves'.⁹ Burn's 1758 justices' manual required constables to apprehend anyone offending within the 1744 act and carry them to a justice,

⁵ Hay, 'War, Dearth', pp.138-140.

⁶ Hitchcock *et al.*, 'Loose, idle', p.519.

⁷ Hitchcock *et al.*, 'Loose, idle', p.519; Hitchcock, 'Vagrancy Crisis', p.60.

⁸ Eccles, *Vagrancy*, p.213.

⁹ Burn, *Justice*, 1758, Vol.III, pp.399-406. For persons classified as vagrants under the *Vagrancy Act* 1714 see, Jacob, *Compleat*, 1731, p.62.

seemingly without an arrest warrant first being issued.¹⁰ The entire process thus rested upon constables' initial assessment of whether the legislation applied. Kent found that anyone engaging in illegal activity increased the likelihood of arrest by seventeenth-century constables, whereas Hitchcock said arrests might be avoided by 'a humble demeanour and sharp eye to approaching authority', making constables' judgements completely subjective.¹¹ They consequently exercised considerable discretion when deciding whether someone's appearance and conduct brought them with the vagrancy laws, and served as gatekeepers to vagrancy proceedings by controlling the number presented to justices. Hertfordshire's constables are assumed to have been fully conversant with the vagrancy laws, and who fell within them. For example, Walkern and Welwyn bought practice manuals in 1744, presumably to familiarise officers with the new legislation.¹²

Having made an arrest, constables took suspected vagrants to magistrates for questioning, at which hearing justices could grant a reward to the arresting constable. Eccles doubted that constables received fees for making arrests, for detaining vagrants apprehended by others, or for attending upon justices, and that the vagrancy rewards were expected to suffice.¹³ However, research found that Hertfordshire's Justice Williams in the 1790s itemised constables' costs, and these usually included a two or three-shilling fee for 'Pass & Examination', indicating Williams' constables received payments for bringing vagrants for questioning.¹⁴ Vagrancy fees were county expenses so Hertfordshire's constables rarely claimed them from their parishes: Berkhamsted constables' accounts from 1747 to 1800 contained only four vagrancy arrest fees, even though the parish's main road carried heavy vagrancy

¹⁰ Additionally, private citizens 'may' apprehend vagrants, Burn, *Justice*, 1758, Vol.III, p.406.

¹¹ Kent, 'Population', p.37; Hitchcock, 'Vagrancy Crisis', p.60.

¹² Walkern, *Jacob's Dictionary 1744*; Welwyn, *Pocket Companion 1744*.

¹³ Eccles, *Vagrancy*, p.39.

¹⁴ Accounts for Conveyance, QSMisc B132(3).

traffic.¹⁵

In addition to individual arrests, the *Vagrancy Act* 1744 required petty sessions justices to order constables to conduct quarterly *privy searches* to locate vagrants.¹⁶ To this end, Barnet Petty Sessions' justices issued a high constables' precept for a search on the night of 12th September 1797, and Chipping Barnet's Constable Wilson apprehended Charles Woolwich, 'a rogue and vagabond' during a privy search earlier that year.¹⁷ Cheshunt's constables were the only ones (out of seventeen parishes with surviving accounts) to claim expenses for privy searches, other constables perhaps relying on the resultant vagrancy rewards from the county to cover their costs. Cheshunt's Constables Searing and Salmon each undertook searches in July and August 1793 and attended the 'sessions' the following day, presumably to report the outcome.¹⁸ However, someone had written 'doubtful' against Salmon's claim for July's privy search, suggesting Salmon had claimed fees without carrying out the search. Eccles found no evidence of quarterly privy searches taking place in Lancashire, and the Webbs could not ascertain how assiduously petty sessions justices demanded them. However, Northumberland's and Durham's quarter sessions justices ordered countywide searches in 1770. The Privy Council wrote to counties in 1775 urging more vagrant searches be made, and quarter sessions justices in West Yorkshire, Herefordshire and Gloucestershire ordered extensive searches from 1786 to 1788. Research found no quarter sessions orders for vagrant searches within Hertfordshire from 1730 to 1799.¹⁹

Hertfordshire's justices may not have ordered general searches, but they did

¹⁵ William Tomlin's account 1754-1755; William Courtneil's account 1797-1798, Berkhamsted, Constables' Book.

¹⁶ Burn, *Justice*, 1758, Vol.III, p.407.

¹⁷ Barnet PS.1 1796-7.

¹⁸ John Salmon's account May-September 1793; John Searing's account May 1793-April 1794, Cheshunt, Miscellaneous Bills.

¹⁹ Webb, *Poor Law*, pp.362-365; Eccles, *Vagrancy*, p.199.

urge constables to remain vigilant in the later-eighteenth century. In their 1783 local government reforms, Hertford Quarter Sessions' justices directed that 'the Laws now in being respecting Vagrants should be carried into Execution, and all wandering Beggars and Strollers of every Denomination passed to their respective Settlements', and inhabitants should not harbour beggars or travellers.²⁰ In early 1786, the Liberty Quarter Sessions' justices complained of 'the great neglect of the peace officers' in apprehending vagrants, and 'strictly commanded high and petty constables, headboroughs and peace officers' to apprehend vagrants entering the Liberty. They listed the fraudsters, entertainers and beggars to take particular notice of, and circulated orders for constables to display on church doors.²¹ Contemporaneously, Hertford Quarter Sessions' justices urged constables to make more arrests and ordered high constables to report on petty constables' work.²² These justices did not, however, criticise constables for neglecting their duties, and no indictments of constables for failing to arrest vagrants appeared in Hertfordshire's quarter sessions summaries for 1730 to 1799. Berkhamsted's constable perhaps publicised the justices' 1786 order because he erected 'two Boards at the Ends of the Town and holdfasts by Order of the Justices' that year and also charged for displaying '6 acts of parliament'.²³ Woodford (Essex) in 1817 erected boards warning vagrants and beggars to move on or be arrested 'By Order of the Magistrates', so Berkhamsted constable's board could have displayed similar notices.²⁴ Hertfordshire's quarter sessions justices did not issue vagrancy enforcement instructions to constables after 1786, but they were seemingly given elsewhere. Ayot St Lawrence's constable in 1797 built a 'Superscription Board concerning vagrants and putting down', bought a

²⁰ *HCR*, Vol.VIII, p.312.

²¹ *HCR Liberty*, Vol.IV, pp.24-25.

²² *HCR*, Vol.VIII, pp.344-346.

²³ Berkhamsted, *Constables' Book*.

²⁴ Erith, *Woodford*, p.85.

new constable's staff and mended the stocks, suggesting he had been told to prepare for trouble.²⁵

Constables could call upon inhabitants' help in privy searches, but Cheshunt and Chipping Barnet also employed beadles who assisted parish officers and constables with mundane duties, including vagrancy administration.²⁶ Both towns straddled main roads from London, but Barnet's beadle was only mentioned twice in parish sources: the parish clerk doubled as beadle in 1775 at a guinea annual salary, and overseers bought a beadle's coat in 1783.²⁷ Cheshunt employed a full-time beadle from at least 1738, with William Davis taking office in 1788 at a 10s. 6d. weekly salary and serving until after 1799.²⁸ Beattie found that London beadles' work was heavily scrutinised because they were parish employees.²⁹ Cheshunt's William Davis became responsible for, inter alia, keeping 'the streets clear from vagrants and as near as he can from all obstructions and riots', but may have warned off vagrants as well as arresting them.³⁰ The Webbs found that beadles from outside Hertfordshire drove vagrants into neighbouring counties.³¹ Cheshunt bordered both Essex and Middlesex, so Davis may well have thrust vagrants over the borders with the full approval of Cheshunt's vestrymen. The latter also moved in 1788 to increase the beadle's powers by asking justices to swear Davis 'an overseer for the purpose of passing the poor only, and also a constable to enable him to execute the said office of Beadle'.³² Cheshunt's beadles had carried a constables' staff since at least 1754, implying that all had been sworn to extra responsibilities.³³ Throughout Davis's

²⁵ Thomas Wilshire's account 1796-1797, Ayot St Lawrence, Overseers.

²⁶ On beadles' functions, Jacob, *Compleat*, 1738, p.131.

²⁷ Chipping Barnet, Churchwardens' Account Book 1762-1840, D/P15/5/2.

²⁸ Cheshunt VM 1731-1751; Cheshunt B-of-O 1752-1781; Cheshunt VM 1781-1796.

²⁹ Beattie, *Policing and Punishment*, p.163.

³⁰ 7th August 1788, Cheshunt VM 1781-1796.

³¹ Webb, *Poor Law*, pp.376-377.

³² 7th August 1788, Cheshunt VM 1781-1796.

³³ Cheshunt B-of-O 1752-1781.

tenure, Cheshunt's constables continued processing vagrants, but the beadle's vagrancy charges also appeared in parish and county accounts. Cheshunt had a unique, business-like approach to local governance amongst examined parishes, with meticulously kept records and substantial input from wealthy residents and magistrates, perhaps partly explaining why it appointed a specialist vagrancy officer. Additionally, Cheshunt dealt with hundreds of vagrants removed from London by Middlesex's vagrancy contractor, necessitating an extra pair of hands.

Vagrancy Removals

Eccles outlined constables' duties when sending vagrants home under justices' orders, but this research expanded upon her findings by revealing how vagrancy removals worked on the ground, how Hertfordshire's constables made those journeys, and the paperwork involved.³⁴

Magistrates questioned newly arrested vagrants to determine their place of settlement. Burn's 1758 justices' manual directed that, before issuing documentation sending vagrants home, justices should first order vagrants punished by confinement in a house of correction, or public whipping by the arresting constable.³⁵ Kent found seventeenth-century constables whipped vagrants, or paid someone to do it, but Hertfordshire's quarter sessions summaries and vagrancy returns for 1730 to 1799 did not record justices giving such orders.³⁶ Berkhamsted constables' accounts documented five whippings in 1750, 1753, 1763, 1790 and 1791, the only five out of 277 accounts countywide to do so. Four of the five whippings punished named individuals, indicating they were not strangers fallen foul of the vagrancy laws, but one was of 'a man' in 1790. The constables bought new whips in 1755, 1759 and

³⁴ Eccles, *Vagrancy*, pp.31-46.

³⁵ Burn, *Justice*, 1758, Vol.III, p.408; Eccles, *Vagrancy*, pp.13-15.

³⁶ Kent, 'Population', p.37.

1784, suggesting that whippings (vagrants' or otherwise) occurred more frequently than their accounts disclosed.³⁷

After punishment, a single justice would order a vagrant returned to their settlement, and the receiving parish could not appeal this order.³⁸ Burn's 1758 justices' manual dubbed this order 'a pass' but, to avoid confusion with other types of documentation, this formal vagrancy removal order is hereafter designated a *removal pass*.³⁹ Burn further directed magistrates to issue the constable with an accompanying 'note or certificate' (*constable's certificate*) specifying the destination parish, the route to be taken, whether the vagrant should walk or ride, how long the journey should take, and the expenses allowed to the constable.⁴⁰ This research found that Hertfordshire's practice differed, and that justices issued documentation either side of vagrants' punishment. Some Hertfordshire justices issued the removal pass at the interview to establish settlement, and then the constable's certificate a few weeks later, probably after imprisonment. For example, Justice Williams examined William Warner and issued a removal pass on 21st May 1792, sending Warner seventeen miles from Kings' Langley to Iver (Buckinghamshire). Williams only issued the constable's certificate authorising Warner's removal on 14th June 1792 after over three weeks' detention.⁴¹ Eccles also found that many justices showed compassion and issued removal passes without first punishing offenders, contrary to law.⁴² Hertfordshire's vagrancy returns certainly show that most removal passes and constables' certificates issued from 1785 to 1792 bore the same date, without a punishment interval, seemingly confirming Eccles' findings.⁴³ However, Eccles

³⁷ Berkhamsted, Constables' Book.

³⁸ Eccles, *Vagrancy*, pp.56-61.

³⁹ Burn, *Justice*, 1758, Vol.III, p.409. See Chapter Seven for removals under the Poor Laws.

⁴⁰ Burn, *Justice*, 1758, Vol.III, pp.409-410.

⁴¹ Reward order, 21st May 1792 and removal order 14th June 1792, Accounts for Conveyance, QSMisc B132(3). Mary Warner also examined and removed on these dates.

⁴² Eccles, *Vagrancy*, p.32.

⁴³ Accounts for Conveyance, QSMisc B132(3).

further concluded that Middlesex's justices issued the removal pass and constable's certificate together, even where vagrants were later punished, to save two interviews and another magistrate claiming the fee.⁴⁴ To ensure vagrants' punishment, the *Vagrancy Act* 1792 required the removal pass to certify that punishment had taken place, but Eccles found this provision soon disregarded.⁴⁵ Removal passes issued after 1793 do not survive in Hertfordshire to confirm this.

This research established that Hertfordshire's justices required constables to react immediately once a certificate had been issued. Mary Brower of Sunderland was arrested in Hemel Hempstead in 1792, and Justice Williams issued the removal order and constable's certificate together, giving Hemel's constable one day to convey Mary over seven miles across two parishes to Markyate, the first parish over the Bedfordshire border. The Hemel constable's certificate awarded him £1. 7s. 2d. expenses, and Justice Williams' notes showed that these included a ten-shilling reward, transport by cart, and Mary's maintenance costs.⁴⁶ Eccles asserted that most constables had at least one horse, and possibly a cart, but that vagrancy fees included hire charges.⁴⁷ Horse ownership could not be established for Hertfordshire's constables, although its many farmers and middling tradesmen probably kept them.

Mary Brower's case demonstrated that constables only travelled one stage of long journeys. Upon arriving in Markyate, Markyate's constable would have signed the Hemel constable's certificate to acknowledge receipt of Mary, and then taken custody of both her and the removal pass. Hemel's constable then used his receipted constable's certificate to reclaim his own expenses, as discussed below, and

⁴⁴ Eccles, *Vagrancy*, pp.50-51.

⁴⁵ 1792, *Act to explain and amend an act made in the seventeenth year of his late Majesty King George the Second, (Vagrancy Act)*, 32 Geo.III c.45; Eccles, *Vagrancy*, pp.16-17. Also, Webb, *Poor Law*, pp.381-383.

⁴⁶ 3rd April 1792, Accounts for Conveyance, QSMisc B132(3).

⁴⁷ Eccles, *Vagrancy*, p.28, p.43.

Markyate's constable asked another justice for his own constable's certificate, specifying the next leg of Mary's journey and his fee.⁴⁸

This method conveyed vagrants over considerable distances, as shown by the rare survival of a removal pass returning William Davis to Cheshunt after his arrest for sleeping rough in Norwich in 1772. The first justice sent Davis nineteen miles from Norwich to Cringleford, and endorsements on the removal pass showed a second magistrate directed Cringleford's constable to take Davis twenty-four miles to Thetford. Thereafter, successive magistrates ordered Davis passed between constables at Brandon and Eldon in Suffolk, Newmarket in Cambridgeshire, Great Chesterford in Essex, and finally into Hertfordshire. Bishops Stortford's constable then conveyed Davis the last seventeen miles across Hertfordshire to Cheshunt, the vagrant accomplishing a winter journey of over a hundred miles in a week.⁴⁹ It is unknown whether this same William Davis became Cheshunt's beadle in 1788. Hitchcock found that another vagrant, Ann Yeats, rode and walked an identical route between Norwich and Bishops Stortford on her way to London in May 1778.⁵⁰

Only one example of a constable refusing to comply with a removal pass appeared in Hertfordshire's quarter sessions summaries. Chipping Barnet's 1731 constable, John Sansome, refused to convey gypsy John Buckley and his family eleven miles to Pinner on their way to Buckley's birthplace in Bodmin, but quarter sessions summaries did not record the outcome of the indictment. Six months later, Sansome was again indicted, this time for neglecting to action a warrant, although it is unknown whether it also related to vagrant removals.⁵¹

⁴⁸ Eccles, *Vagrancy*, pp.38-39.

⁴⁹ William Davis' examination and vagrancy removal order 4th February 1772, Cheshunt, Settlement, Removal Orders and Examinations 1669-1821, D/P29/13/1-6.

⁵⁰ Tim Hitchcock, *Down and Out in Eighteenth-Century London*, (London: Hambledon And London, 2004), pp.144-147.

⁵¹ *HCR*, Vol.II, p.67; *HCR*, Vol.VII, p.236.

The *Vagrancy Act* 1740 briefly took removals out of constables' hands and required out-of-county vagrants to move between houses of correction, often sending them on circuitous routes home and increasing costs.⁵² For instance, Hertfordshire's Justice Ryder in 1743 directed Ware's constable to convey Ann Smith and her children on foot to Hertford's house of correction (or bridewell), bound for Somerset.⁵³ Innes found that bridewells nationwide closed to reduce removal costs under the 1740 act.⁵⁴ Hertfordshire's sources revealed that the county's justices debated the expense in 1741, and the need for four bridewells in 1742, but none closed.⁵⁵ The *Vagrancy Act* 1744 reinstated the system of returning vagrants home escorted by constables.

Dorset's constables conveyed vagrants from their parish of arrest to the county border, and Mary's above-mentioned journey from Hemel in Hertfordshire to Markyate, Bedfordshire, shows the same happened in her case.⁵⁶ However, Hertfordshire's vagrancy returns disclosed that constables from Caddington (Bedfordshire) regularly crossed Flamstead in Hertfordshire to deposit vagrants in Redbourn, and Berkhamsted constables' accounts for the 1750s showed constables crossing into Buckinghamshire, or journeying two or three parishes into Bedfordshire.⁵⁷ Vagrancy exchange points thus did not necessarily lie on county boundaries. Nevertheless, an influx of vagrants came through depots located on Hertfordshire's southern border. Hitchcock *et al.* found that, from 1778 to 1786, Middlesex's vagrancy contractor passed 1,427 vagrants into Hertfordshire through his depot at Cheshunt, and a further 4,969 through another at Ridge. Additionally,

⁵² Eccles, *Vagrancy*, pp.11-12.

⁵³ Removal warrant for Ann Smith 23rd March 1743, Warrants for Vagrants, QSMisc B134.

⁵⁴ Joanna Innes, 'Prisons for the poor: English bridewells, 1555-1800', in *Labour, Law, and Crime: an historical perspective*, ed. Francis G. Snyder and C. Douglas Hay, (London: Tavistock Publications, 1987), pp.92-94.

⁵⁵ *HCR*, Vol.VII, p.286, p.296.

⁵⁶ Eccles, *Vagrancy*, p.44.

⁵⁷ Berkhamsted, Constables' Book.

the contractor had a depot at South Mimms, Middlesex which processed 969 more vagrants in that period.⁵⁸ Barnet Manor appointed constables for South Mimms, Barnet and South Mimms shared a petty sessions district until 1764, and Middlesex justices sat at Barnet Petty Sessions until 1773 at least, blurring lines between county jurisdictions.⁵⁹ Constables from Barnet and South Mimms thus probably knew one another and worked together regularly.

No records survive of Ridge's vagrancy administration, but analysis of Hertfordshire constables' vagrancy returns for the 1780s showed that, when vagrants arrived with the Middlesex contractor at Cheshunt, Hertfordshire's justices issued constables' certificates requiring Cheshunt's constables or beadle to take all vagrants northwards up the Old North Road to the next exchange point at Ware.⁶⁰ This applied even if vagrants had Hertfordshire settlements. For instance, George Monk arrived in Cheshunt in 1784 bound for Kimpton in central Hertfordshire, but the beadle took Monk north to Ware, rather than a direct route home.⁶¹ When Ware's constable took custody of vagrants from Cheshunt's constable, Hertfordshire's returns revealed that he carried them another seventeen miles north to Royston on the Hertfordshire-Cambridgeshire border, or twelve miles north-east to Bishops Stortford on the Hertfordshire-Essex border.⁶² However, when Ware's constable received London-bound vagrants he did not return them down the Old North Road to Cheshunt. Instead he took them directly to the Middlesex contractor's depot at Enfield, Essex.⁶³

Justices may have prescribed main roads in constables' certificates to ensure

⁵⁸ Hitchcock et al., 'Loose, idle', pp.512-513.

⁵⁹ Barnet MCBs; Barnet PS.1-3. See Chapter Two on petty sessions and Chapter Three on appointments.

⁶⁰ For the route of the Old North Road, see the map in Figure 2.3.

⁶¹ Receipt Ware's Constable B. Stroud, 24th December 1784, Accounts for Conveyance, QSMisc B132(3).

⁶² Accounts for Conveyance, QSMisc B132(3).

⁶³ Including, Constable Benjamin Stroud's vagrancy account November 1784-January 1785, Accounts for Conveyance, QSMisc B132(3). List of vagrancy depots in, Hitchcock et al., 'Loose, idle', p.512.

that vagrants passed between experienced, trusted men who operated efficiently. Frequent interactions between Ware's and Cheshunt's constables probably made each highly conversant with vagrancy procedures and built cooperative relationships. Ware's Constable Stroud conveyed at least 108 vagrants in twenty groups from November 1784 to January 1785, most originally arriving in Ware accompanied by Cheshunt's Constable Thompson.⁶⁴ Hertfordshire's quarter sessions summaries never recorded disputes between constables, nor difficulties with the vagrants themselves, suggesting travellers complied with removal orders, or constables knew how to deal with them. Constable Stroud is not known to have claimed for assistance, even though constables could request extraordinary expenses, and Stroud hardly had the physique for confrontation: the *Militia Lists* unusually described him as only 5' 2½" tall.⁶⁵

The routes prescribed by out-of-county justices troubled Hertfordshire's magistrates. Hertford Quarter Sessions' justices in 1755 complained to London and Middlesex justices about them routinely directing vagrants through Cheshunt en route to Essex, Suffolk and Norfolk, when the proper road lay through Whitechapel and West Ham.⁶⁶ The Liberty Quarter Sessions' justices directed Ridge's constables in 1758 not to receive vagrants unless Hertfordshire lay on their direct road home, opening potential conflict between Ridge's constables and Middlesex's newly appointed vagrancy contractor who had just opened his holding depot the other side of Hertfordshire's border in South Mimms.⁶⁷ The Liberty Quarter Sessions' clerk also wrote to a Yorkshire justice in 1761 asking him not to direct vagrants through St Albans unless it lay on a direct route.⁶⁸ These misdirections inflated constables'

⁶⁴ Accounts for Conveyance, QSMisc B132(3).

⁶⁵ Ware *Militia Lists*.

⁶⁶ *HCR*, Vol.VIII, pp.26-27.

⁶⁷ *HCR Liberty*, Vol.IV, p.63; Eccles, 'The Adams', p.85.

⁶⁸ *HCR Liberty*, Vol.IV, p.68.

workloads, but also increased the county's financial burden, and Hertfordshire's vagrancy administration expenses must now be considered.

Constables' Rewards and Expenses

This section discusses the payments made to constables, how they reclaimed their expenses from their high constables and the fees prescribed by justices for conveying vagrants under constables' certificates. Counties funded vagrants' removals under the *Vagrant Removal Costs Act* 1700, and research established that Hertfordshire raised this money through a dedicated rate, which constables originally collected. For example, Hertford Quarter Sessions sought £240 'vagrant money' in 1732, and Ashwell's constable correspondingly paid £4. 7s. 6d. 'Vagabond Money' to his high constable.⁶⁹ Tring's vestry minutes in 1740 authorised overseers, not constables, to raise rates for 'Bridge, Vagrant and Quarteridge money which was usually paid by the constable but now altered by Act of Parliament', presumably the *Vagrancy Act* 1740.⁷⁰ Thereafter, 'vagrant money' collection did not appear in Hertfordshire constables' accounts.

The county paid constables' rewards for arresting vagrants, and fees for conveying them. At the initial vagrancy examination hearing, justices had discretion to order high constables to pay ten-shilling rewards to anyone arresting vagrants, but research found that these were was not always forthcoming in Hertfordshire.⁷¹ Justice Bisse in 1764 and 1765 routinely paid only five shillings to Hatfield's and Stevenage's constables, whilst Berkhamsted's frugal Justice Noyes gave Hemel Hempstead's only 2s. 6d. for apprehending Ann Sharp in 1764.⁷² Around mid-century, Hertfordshire introduced pre-printed vagrancy reward forms which specified

⁶⁹ *HCR*, Vol.VII, p.237; Ashwell Constables' Accounts.

⁷⁰ 3rd March 1740, Tring, Vestry Minutes 1682-1746, D/P111/8/17.

⁷¹ Burn, *Justice*, 1758, Vol.III, p.406.

⁷² Warrants for Vagrants, QSMisc B134. See below and Chapter Seven for more on Noyes.

ten-shilling rewards, and all constables received ten shillings by 1789, although justices' practice still varied. Constable Hopkins arrested a family of three in Great Gaddesden in 1789 and received ten shillings, but Justice Prescott gave Cheshunt's Constable Grant fifty shillings for arresting a group of five vagrants that same year.⁷³

Private persons could arrest vagrants, but Hertfordshire's constables received fifty-six of the known seventy-three rewards from 1763 to 1797, and Cheshunt's beadle received eight, evidencing justices' heavy reliance upon constables' efforts.⁷⁴ It is unknown whether Cheshunt's salaried beadle accounted to the vestry with these rewards, but such payments augmented some constables' incomes significantly. The ten-shilling reward paid to Essendon's labourer-constable, Thomas Cordwell, in 1777 represented almost a week's salary.⁷⁵ From July 1796 to October 1797 Ware's Hannibal Dunn received at least eleven rewards and worked as a cordwainer earning an estimated twelve shillings weekly.⁷⁶ Dunn served as Ware's constable for three years, and also received fees for conveying vagrants on the lucrative Cheshunt-Royston route, so rewards represented a fraction of his supplementary income.

Research established how Hertfordshire's petty constables reclaimed their vagrancy expenses and rewards. Justice Calvert in 1744 used a pre-printed constable's certificate to order Sawbridgeworth's Constable Stracy to walk Mary Wilson ten miles to Hertford bridewell. Stracy acted immediately because the bridewell keeper signed a receipt for Mary on the constable's certificate that same day. Two days later, Stracy took his receipted certificate to his high constable, who paid Stracy the four-shilling fee. The high constable then used Stracy's certificate to

⁷³ Warrants for Vagrants, QSMisc B134.

⁷⁴ Warrants for Vagrants, QSMisc B134.

⁷⁵ Based upon weekly earnings of ten to twelve shillings, Young, *General View*, 1804, p.217.

⁷⁶ Warrants for Vagrants, QSMisc B134. The related trade of shoemaking earned two shillings daily, Olsen, *Daily Life*, p.143.

reclaim the four shillings from county funds five weeks later.⁷⁷ Parishes paid the fees and expenses in their constables' annual accounts at the end of their term in office, but vagrancy rewards and fees were paid immediately by the county and represented ready income. Again, vagrancy conveyance fees supplemented some constables' incomes hugely: in December 1784 and January 1785 alone, Cheshunt's Constable Thompson received £10. 11s. for fourteen return journeys to Ware with vagrants.⁷⁸

To combat escalating expenses, Hertford Quarter Sessions' justices in 1719 fixed the costs of lodging and conveying vagrants to prevent constables' 'divers frauds and abuses'.⁷⁹ A fee order of 1753 further aimed to reduce constables' 'exorbitant charges' but merely reiterated the 1719 rates.⁸⁰ These are summarised in Table 6.1 below, and are taken to apply to vagrants travelling under removal orders, *and* accompanied by constables. Middlesex's justices in 1703 had similarly allowed sixpence a mile for conveying vagrants by cart and sixpence for maintaining vagrants, but left justices to determine the lesser payment for those on travelling on foot.⁸¹ Berkhamsted's 1753 constable found Hertfordshire's allowances insufficient and

Table 6.1: Constables' Allowances for Passing Vagrants, 1753

Expense	Allowance
Per mile by cart	6d
Per mile by horse	3d
Per mile on foot	1½d
Relief and lodging – single person	4d a night
Relief and lodging – two persons	6d a night
Relief and lodging - children	2d a night
Daytime relief	Half of overnight lodging cost

Source: QSMisc B131(2).

⁷⁷ Mary Wilson 28th April 1744, Warrants for Vagrants, QSMisc B134.

⁷⁸ Cheshunt *Militia Lists*.

⁷⁹ *HCR*, Vol.II, pp.52-53.

⁸⁰ Constables' Allowances 1753 QSMisc B131(2).

⁸¹ Webb, *Poor Law*, p.383.

claimed 3s. 6d. from the parish in his annual accounts for 'Extraordinary Expenses of Carrying a Family to Chesham with a pass – more than allowed by the Justice'.⁸² No other constable made similar claims. Hertfordshire's justices reviewed constables' vagrancy allowances in 1784, but again only confirmed the rates issued in 1719, demonstrating long-term stasis in constables' fees.⁸³

The above allowances were not administered evenly by justices. The sixpenny mileage allowance paid constables for travelling one way to deliver vagrants and took no account of the numbers conveyed. Ware's constable claimed 8s. 6d. for transporting 'nine vagrants with cart passes' seventeen miles from Ware to Royston, being sixpence per mile one way, without extra payment for carrying a group.⁸⁴ Similarly, the Liberty's justices in 1758 allowed only five shillings for a twenty-mile round trip.⁸⁵ However, Justice Williams' calculations on a Hemel constable's certificate in 1792 paid for a round trip, and Williams also awarded extra fees to some constables.⁸⁶ His calculations on constables' certificates in the 1790s showed that the fees awarded included the costs of maintaining and transporting vagrants, and extra payments for the constables' own time.⁸⁷

Eccles asserted that 'constables were much suspected of fiddling their expenses', but this research found exactly where the loopholes lay, and how some Hertfordshire constables exploited them.⁸⁸ It has been shown that, once a justice issued the removal pass and constable's certificate, he had no further involvement in that vagrant's removal. Furthermore, high constables remained detached from the

⁸² Richard Clark's account 1755-1756, Berkhamsted, Constables' Book.

⁸³ *HCR*, Vol.VIII, p.330.

⁸⁴ Benjamin Cordell's (Ware) vagrancy account 28th October 1784, Accounts for Conveyance, QSMisc B132(3).

⁸⁵ *HCR Liberty*, Vol.IV, p.63.

⁸⁶ Carrying Benjamin Lewis from Hemel to Abbots Langley, 8th May 1792, Accounts for Conveyance, QSMisc B132(3).

⁸⁷ Accounts for Conveyance, QSMisc B132(3).

⁸⁸ Eccles, *Vagrancy*, p.26.

removal process because they only paid the petty constables' claims, not supervised the transport. The treasurer only saw the costs to the county. Petty constables thus controlled the entire removal process – from arrest to delivery in the home parish – allowing dishonest constables opportunities to manipulate these administrative gaps. Eccles said that few were prosecuted for financial misconduct, and this is borne out by Hertfordshire's sources.⁸⁹ Where the *Vagrancy Act* 1740 required bridewell keepers to convey vagrants out of the county, the *Vagrancy Act* 1744 again made constables responsible for long-distance removals. Hertfordshire's vagrancy costs spiralled from £218. 14s. 8d. (for 1740 to 1744) to £381. 12s. 0d. (for 1745 to 1746), due largely to constables making unnecessarily frequent journeys. Hertford Quarter Sessions' justices in 1746 criticised constables for 'making a Gain' from passing vagrants by delivering to the same parish several times daily. To avoid detection, constables took removal passes for each cartload to different justices, who issued separate constables' certificates, multiplying constables' fees. Justices named constables John Carr of Shenley, Samuel Brunt of Hatfield and Joseph Kent of Cheshunt as the 'worst offenders', but took no action against them in quarter sessions.⁹⁰ Kent served as Cheshunt's constable in 1744 and was half way through a three-year term as overseer by 1746, helping administer sizeable poor relief budgets.⁹¹ Cheshunt vestry apparently disregarded his dishonesty.

Probably in response to these frauds, the above-mentioned 1753 expenses directive demanded constables transport only one cartload of vagrants daily, unless any group exceeded fourteen persons.⁹² However, the Liberty Quarter Sessions' justices reprimanded Barnet's 1758 constables, Richard Doubleday and Francis

⁸⁹ Eccles, *Vagrancy*, p.29.

⁹⁰ *HCR*, Vol.VII, pp.328-331.

⁹¹ Cheshunt VM 1731-1751.

⁹² Constables' Allowances 1753 QSMisc B131(2).

Ffowkes, for carrying too few vagrants together and reduced their maintenance costs.⁹³ The following year, the Liberty's justices reiterated their instructions to carry larger groups of vagrants, criticised Barnet's and Ridge's constables for contravening them, and insisted upon approving their accounts before the high constable paid them.⁹⁴ South Mimms adjoined Barnet and Ridge, and its 1760 constable was admonished by Middlesex's magistrates and had his bill disallowed, showing that abuses were not confined to Hertfordshire.⁹⁵

Justices tightened fee loopholes when troop demobilisations and London's expulsion of more vagrants increased Hertfordshire's vagrancy costs in the 1780s. Hertford Quarter Sessions' justices in early 1785 directed that all vagrancy bills should be approved by justices, assumed here to mean those bills submitted by high constables to the county treasurer.⁹⁶ The latter policy may have sparked an angry protest from High Constable Levi Lavender of Ridge, whose parish housed a Middlesex vagrancy contractor's depot and saw even heavier traffic than Cheshunt. The Liberty Quarter Sessions' magistrates dismissed Lavender 'for insulting the justices and refusing to obey the last order respecting vagrants'.⁹⁷ Lavender had held office since 1775, and high constables often served for life, indicating that this had been a spectacular outburst.⁹⁸

The Webbs found that many quarter sessions nationwide ended constables' dubious expenses claims by employing contractors to convey vagrants across set routes for a fixed fee.⁹⁹ Hertfordshire had employed a contractor before 1740 but the office lapsed from 1740 to 1744 when vagrants passed between bridewells. However,

⁹³ *HCR Liberty*, Vol.IV, p.63.

⁹⁴ *HCR Liberty*, Vol.IV, p.65.

⁹⁵ Eccles, *Vagrancy*, p.26.

⁹⁶ *HCR*, Vol.VIII, p.334.

⁹⁷ *HCR Liberty*, Vol.IV, p.23.

⁹⁸ *HCR Liberty*, Vol.IV, p.8

⁹⁹ Webb, *Poor Law*, pp.385-386.

constables' frauds in 1746 persuaded justices to accept the county treasurer's proposal to convey all vagrants for £220 per annum.¹⁰⁰ Hertfordshire employed one contractor for the whole county until 1784, when it invited tenders for three new districts. Bishops Stortford's former constable, William Flack, took on the eastern district for £39 a year, and Sawbridgeworth's serving tailor-constable, Mark Burges, offered to carry vagrants with removal orders into Essex for £50 per annum, or £75 if he needed to arrange the paperwork.¹⁰¹ Elizabeth Coombes of Cheshunt, an illiterate, blacksmith's widow, also purportedly acted as a contractor on the Cheshunt-Ware route. Her evidence to an 1821 parliamentary committee claimed that she had received fees as a 'conveyor of vagrants' for over forty years, but she was not mentioned in Hertfordshire's quarter sessions summaries until 1833, and none of her accounts survive.¹⁰² It is unclear who Mrs Coombs was, how she and Hertfordshire's constables worked alongside the county contractor, or why the county paid constables' bills at all with a contractor in place.¹⁰³ A Mrs Hunt became Hertfordshire's main contractor in 1780, and several constables' vagrancy returns had 'Mrs Hunt' or 'Deductions out of Mrs Hunt's Money' noted in the margins, indicating that the treasurer deducted constables' costs from the contractor's annual fees.¹⁰⁴ Hertfordshire's constables may consequently have assisted the contractor, or subcontracted certain routes, but there is no evidence that contractors supervised constables' work.

¹⁰⁰ *HCR*, Vol.VII, p.279, p.331.

¹⁰¹ Eastern position re-advertised in 1792, *HCR*, Vol.VIII, p.288, pp.330-331, pp.420-421.

¹⁰² BPP1821, *Report from the Select Committee on the Existing Laws Relating to Vagrants*. Vol.IV (Paper.121), p.21, pp.32-34, p.71.

¹⁰³ Eccles, *Vagrancy*, p.28.

¹⁰⁴ Including, Account of Vagrant Monies Unpaid 12th February 1785, Accounts for Conveyance, QSMisc B132(3).

Unaccompanied Pauper Travellers

Vagrancy legislation did not specify whether constables needed to escort anyone ordered to walk home, so many vagrants took their removal passes from justices and set off alone.¹⁰⁵ Removal passes protected unaccompanied vagrants from further arrest, but many paupers journeyed without paperwork. Eccles and David Hitchcock both noted that little is known about the ‘dark figure’ of travellers who had no documentation but were never arrested under vagrancy laws.¹⁰⁶ This section presents new research in this area and examines how Hertfordshire’s constables dealt with unescorted travellers.

Any traveller holding documentation issued by justices could not be rearrested under the vagrancy laws, and could apply to the constables of parishes on their route for accommodation and subsistence payments.¹⁰⁷ Research here established that Hertfordshire’s constables reclaimed these pennies and shillings from their parishes in their annual accounts. In addition to the removal passes discussed above, travellers could carry two types of *walking pass* which also protected bearers from arrest. Firstly, Burn’s 1758 justices’ manual advised that demobilised servicemen could apply for a ‘mariner’s licence’, authorising them to travel home in a set time, through certain places and beg relief along the way.¹⁰⁸ Secondly, justices issued similar protective walking passes to military families and other poor, respectable travellers. The latter passes had no validity under vagrancy laws, but Eccles found constables and parish authorities usually respected them, provided relief, and allowed walking-pass holders to continue their journeys.¹⁰⁹ King found some London justices signed blank passes for their clerks to distribute on demand,

¹⁰⁵ Eccles, *Vagrancy*, p.41.

¹⁰⁶ Eccles, *Vagrancy*, p.140; Hitchcock, *Vagrancy 1650-1750*, p.108.

¹⁰⁷ Magistrates sometimes also ordered constables to make these payments, Webb, *Poor Law*, p.389.

¹⁰⁸ Burn, *Justice*, 1758, Vol.III, p.404, pp.416-417.

¹⁰⁹ Eccles, *Vagrancy*, p.40, pp.74-80. On types of pass, Webb, *Poor Law*, pp.387-391.

but did not specify whether these were either of the two walking passes or formal vagrancy removal passes.¹¹⁰ Tim Hitchcock also said that London overseers issued ‘friendly passes’, asking parishes to accept the bearer without removal proceedings being taken.¹¹¹ The legal status of these passes remains unclear.

Berkhamsted’s constables recognised the difference between a vagrancy removal pass and a mariner’s licence (or other walking pass). Their 1785 constable relieved a couple with a ‘proper pass’, but his colleague paid travellers with a ‘foot pass’ in 1786.¹¹² Constables also often differentiated in their accounts between relief given to soldiers (or their families) and other kinds of pass-holders, as discussed below. Berkhamsted’s constables occasionally helped travellers secure documentation. Their 1754 constable assisted ‘people wanting passes’ on three occasions, some of whom he accommodated overnight.¹¹³ Only Berkhamsted’s 1791 constable made a similar claim, implying that such activity was discouraged.¹¹⁴

Analysis of relief payments to unaccompanied travellers in Berkhamsted constables’ accounts established how many held passes, and how many ought to have been arrested because they had no documentation. The final row of Table 6.2 below shows the total number of expenses claimed for all duties by Berkhamsted’s two constables in their annual accounts submitted to the vestry at Michaelmas in the closing year of six decades from 1748 to 1799. Other rows give the total number of relieving payments amongst those expenses, how many payments went to servicemen, the number of pass-holding travellers, and the number without documentation. In the year commencing Michaelmas 1748, the constables jointly

¹¹⁰ King, *Crime and Law*, pp.18-20.

¹¹¹ Hitchcock, *Down and Out*, p.147.

¹¹² Henry Russell’s account 1785-1786; Humphrey Tompkins’ account 1786-1787, Berkhamsted, Constables’ Book.

¹¹³ Thomas Lake’s account 1754-1755, Berkhamsted, Constables’ Book.

¹¹⁴ William Bourn’s account 1791-1792, Berkhamsted, Constables’ Book.

**Table 6.2: Traveller-Relief Payments Made by
Berkhamsted's Constables, 1748-1800**

	1748- 1749	1758- 1759	1768- 1769	1778- 1779	1788- 1789	1798- 1799	1799- 1800
Total Relieving Claims	24	3	--	6	56	59	146
Servicemen Relieved	18	--	--	--	14	2	29
Pass-Holders Relieved	15	--	--	--	22	24	3
Travellers Without Passes Relieved	9	3	--	6	34	35	143
Total Expenses Claims in Accounts	71	65	43	51	93	104	182

Source: Berkhamsted, Constables' Book

claimed for seventy-one duties, including relieving twenty-four individuals, groups or families. Relieving thus constituted around a third of all expenses. Eighteen of these twenty-four payments went to servicemen, and fifteen to pass-holders, who might also have been servicemen. Constables consequently relieved nine travellers without passes, so a third of the twenty-four travellers would have been liable for arrest, but constables exercised their discretion and moved them on instead with a few pence in hand.

Table 6.2 secondly shows that constables made far fewer relief payments in successive decades, but that payments increased significantly after 1788. In the year commencing Michaelmas 1788, twenty-two of the fifty-six payments went to pass-holders, so around sixty per cent of travellers had no documentation, but were not arrested. A similar proportion travelled without passes in the year commencing Michaelmas 1798. However, relieving comprised eighty per cent of their 182 duties

after Michaelmas 1799, and only three of their 146 traveller-relief payments went to pass-holders. This might have been attributed to changes in record-keeping that year so further analysis was undertaken. This established that, from 1780 to 1799, Berkhamsted's constables made 868 traveller relief payments and only 414 of the recipients held passes. Thus, around half of the travellers walking through Berkhamsted after 1780 had no documentation, yet constables decided not to arrest them under vagrancy laws.

Examination of Berkhamsted constables' accounts also showed the effect of social changes and justices' directions on relief payments. Berkhamsted's constables appointed at Michaelmas 1747, made eighteen traveller-relief payments and a further twenty-four the following year, perhaps reflecting an increase in discharged servicemen after the War of Austrian Succession in 1748. From Michaelmas 1753 to Michaelmas 1782, Berkhamsted's constables relieved only 111 travellers, around three a year, due largely to the parish's prohibitions on spending discussed below. In January 1783, Hertfordshire's local government reforms directed constables to enforce vagrancy laws, and for inhabitants not to harbour beggars or travellers.¹¹⁵ During the year commencing Michaelmas 1783, Berkhamsted's traveller-relief payments leapt from three to thirty-two. It is unknown whether Berkhamsted's constables also arrested more vagrants that year, but they certainly paid more people to move on. Berkhamsted's constables then relieved twenty-eight travellers in the year commencing Michaelmas 1784 and sixty-one in 1785, these increases post-dating substantial troop demobilisations after the American Revolutionary War. In early 1786, quarter sessions' justices criticised constables neglect in apprehending vagrants and urged greater activity, as well as resolving that magistrates should enforce vagrancy laws more strictly 'particularly by taking care of [vagrants], and not

¹¹⁵ *HCR*, Vol.VIII, p.311-313.

letting then Loose upon any Allowance to walk to the next District, as is supposed to be too frequently done'.¹¹⁶ In the year commencing Michaelmas 1785, Berkhamsted's constables made fifty-eight relief payments, but these fell to thirty-four in each of 1786 and 1787, suggesting that constables arrested a higher proportion of travellers without documentation in line with justices' 1786 orders, and that justices also perhaps issued fewer walking passes.

In 1788, Berkhamsted constables' relief payments rose again to fifty-six a year and rarely fell thereafter. Constables made an average thirty-eight relief payments annually in the 1780s, but these increased to sixty a year in the 1790s.¹¹⁷ 1793 and 1794 saw seventy-one and eighty-six relieving payments respectively, perhaps prompted by failed harvests and families travelling in search of work. The *Vagrancy Act* 1792 withdrew servicemen's rights to beg under mariners' licences and treated them as vagrants, but Berkhamsted constables' accounts continued distinguishing between servicemen and other pedestrians, and provided relief unabated.¹¹⁸ Cheshunt's four available post-1792 constables' accounts did not mention relieving soldiers, but the county treasurer reimbursed Ware's, Hatfield's and an unknown parish's constables for relieving soldiers in 1796.¹¹⁹ Eccles found the punishment provisions of the 1792 act were disregarded.¹²⁰ Hertfordshire's data suggests that constables also ignored the restriction on servicemen's payments, and the county continued reimbursing them.

Constables recorded the destinations of 127 (of 304) pass-holders travelling through Berkhamsted from 1784 to 1796, many heading for Oxfordshire,

¹¹⁶ *HCR Liberty*, Vol.IV, pp.24-25; *HCR*, Vol.VIII, p.344-346.

¹¹⁷ Berkhamsted, Constables' Book.

¹¹⁸ Berkhamsted, Constables' Book; Eccles, *Vagrancy*, p.17.

¹¹⁹ Cheshunt, Miscellaneous Bills; Vagrancy Accounts, QSMisc B132/4.

¹²⁰ Eccles, *Vagrancy*, pp.50-51.

Birmingham, Scotland and south-westerly port towns.¹²¹ Two-thirds authorised transit out of London, supporting Tim Hitchcock's findings that London and Middlesex magistrates in the 1780s moved vagrants out of the capital quickly, multiplying the numbers walking Hertfordshire's roads.¹²²

Eccles concluded that parishes on 'marching corridors' had an uneven share of processing demobilised servicemen and their families, and Hertfordshire's more isolated settlements certainly saw less vagrancy traffic than Berkhamsted.¹²³ Shephall stood over a mile from the Great North Road, and its 1794 constable made only one relieving payment to a soldier with a pass. In 1796, eight more were made to pass-holding soldiers, demonstrating that Shephall's constables also ignored the 1792 act's prohibition on relieving military personnel.¹²⁴ Essendon was around four miles off the same main road, and its constable relieved only eight pass-holding travellers from 1795 to 1799.¹²⁵ In 1784, returns from remote Datchworth, Little Munden and Benington declared that they had spent nothing on vagrants that entire year.¹²⁶ Conversely, Cheshunt's busy constable in 1790 relieved seventy-eight travellers, all without passes.¹²⁷ Constables in thoroughfare parishes like Cheshunt and Berkhamsted may not have had time to arrest every traveller without documentation, and so were forced to move many on.

Berkhamsted constables' above payments to unaccompanied travellers appeared in their annual accounts, so the constables paid them from their own pockets in the first instance. They were only reimbursed by the parish at the end of each year

¹²¹ Berkhamsted, Constables' Book.

¹²² Hitchcock, 'Vagrancy Crisis'.

¹²³ Eccles, *Vagrancy*, p.79.

¹²⁴ Shephall, Constables.

¹²⁵ Essendon, Constables.

¹²⁶ Returns of Daniel Pennyfather (Datchworth), William Jackson (Benington) and John Wood (Little Munden) 1784-1785, Accounts for Conveyance, QSMisc B132(3).

¹²⁷ Cheshunt, Unnamed, Constable's Account 1790-1791, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20/11C.

in office. Research could not establish whether the county then refunded this traveller-relief money to vestries. Eccles found that Middlesex's vagrants appeared as expenses in constables' annual accounts to parishes, but not in county records, making traveller-relief payments parish expenses.¹²⁸ Equally, counsel's advice to Buckinghamshire's quarter sessions in 1815 said that only payments complying with vagrancy legislation should be paid from the county rates. Relief to soldiers and other destitute wanderers, even if ordered by magistrates, constituted poor relief and parishes funded this.¹²⁹ Hertfordshire's sources provided conflicting evidence. In 1740, Hertford Quarter Sessions' justices authorised high constables' claims for money paid to petty constables, but complained that many petty constables' expenses related 'to persons Travelling with or without permits which ought to be borne by the several parishes where such Travelling persons are relieved' and not by the county.¹³⁰ This is interpreted as meaning that county funds should only pay for vagrants travelling under removal orders *and* accompanied by constables. If parishes relieved unaccompanied pedestrians, justices expected them to bear the expense. Hertfordshire constables' annual accounts to parishes support this conclusion. Only one of the 277 accounts from seventeen parishes showed relief expenses as a separate subtotal that might be reclaimed elsewhere. The account of Cheshunt's Constable Barker for £5. 0s. 1d. had a note saying 'take off for relief £1. 15s. 8d.', but it is unknown whether the vestry refused to reimburse this sum, or whether Barker reclaimed it from the county.¹³¹ None of Hertfordshire's 277 constables' accounts recorded credits from the county treasurer to offset traveller-relief payments.

However, petty constables' vagrancy returns to the county in the 1790s

¹²⁸ Eccles, *Vagrancy*, p.140.

¹²⁹ Webb, *Poor Law*, p.389.

¹³⁰ 17th February 1740, Account Book 1740, QSMisc B132(2).

¹³¹ Cheshunt, Clement Barker, Constable's Account 1795-1796, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

indicated that the treasurer in fact reimbursed some parishes, or their constables.¹³² Baldock's constable submitted a three-page bill to county 'for Relieving of Passes' from April to July 1796, which magistrates allowed. Hannibal Dunn, Ware's constable on the Cheshunt-Royston route, similarly tendered 'A Bill for relief-passes' listing mainly soldiers and their families, which was separate from his expenses for conveying vagrants under removal passes. In all, constables from seven parishes submitted extensive bills to county from 1793 to 1796 for relieving servicemen, their families and other travellers, not all of whom were pass-holders. These are assumed to have been casual relief payments, according to need. Corresponding constables' accounts do not survive for these seven parishes, so it is unknown whether vestries also paid constables for relieving pedestrians. On available evidence, Hertfordshire's constables charged parishes for some of the traveller-relief paid, but they also submitted similar (perhaps longer) bills to the county.

With parishes funding an unidentifiable proportion of traveller-relief costs, vestries unsurprisingly monitored outgoings. Cheshunt's vestry in 1733 ordered that 'the constable (by order of two justices) relieve vagrants passing through the parish and that no other officer presume to do the same'.¹³³ Cheshunt had many resident justices, who contributed towards their parish's poor rates and undoubtedly aimed to keep costs down. Ashwell's vestry in 1737 resolved that 'no constable shall relieve any person whatsoever without ye consent of three officers or principal inhabitants' and, if they did, 'be it at their own charge'. This acted as a 'perpetual and standing order for all future constables from this date'. Ashwell's constables relieved five

¹³² Vagrancy Accounts, QSMisc B132/4.

¹³³ Cheshunt VM 1731-1751.

travellers in 1737, all noted as made ‘by order’.¹³⁴

Berkhamsted imposed long-term restrictions on constables’ relief of travellers. The vestry agreed in 1749 ‘That from this day forward no sort of Vagarents shall be relieved by the Constables but by the Overseers if reasonable’, taking spending decisions out of constables’ hands.¹³⁵ The churchwardens, overseers and ten inhabitants signed this resolution, including five former constables. All constables’ traveller-relief payments ceased in Berkhamsted from 1749 to 1753, but constables then relieved around five travellers annually until 1760. Local magistrate, Thomas Herbert Noyes, still considered this excessive and ordered Berkhamsted’s constables not to pay for ‘conveying vagrants’ except by ‘special order of some Justice of Peace’. He deemed them county, not parish, expenses and any future claims would be disallowed in constables’ accounts, he warned.¹³⁶ This supports the conclusion that constables could bill the county for payments to unaccompanied travellers. From 1761 to 1776, Berkhamsted constables’ accounts noted only thirty-seven traveller-relief claims, fewer than three annually, two-thirds of which were made ‘by order’ of justices (usually Noyes), or churchwardens. Noyes died in 1776 and only a third of payments in the next five years were ‘by order’, demonstrating the influence of resident justices upon constables’ actions. By 1796, Berkhamsted’s constables had become entirely autonomous in relieving decisions.¹³⁷

Cheshunt’s Justice Prescott limited the value of relieving payments in 1791 when a constable’s bill to the vestry showed seventy-eight relieving entries, none to pass-holders, and only two other entries for court duties. Prescott wrote, ‘I allow this bill but do order in future that no person shall be relieved but mariners and they at a

¹³⁴ Ashwell Constables’ Accounts.

¹³⁵ Berkhamsted, Constables’ Book.

¹³⁶ Berkhamsted, Constables’ Book. See above and Chapter Seven for Noyes’ other cost-cutting measures.

¹³⁷ Berkhamsted, Constables’ Book.

Rate of 4d a Head'.¹³⁸ Prescott died in 1792, and Constable Salmon had begun relieving civilians again by May 1793, but capped payments at fourpence each.¹³⁹

Constables probably welcomed these restrictions because they funded the traveller-relief payments initially, and then waited many months until the parish reimbursed them. In Berkhamsted, these payments represented substantial sums. The constables appointed at Michaelmas 1748 had a joint traveller-relief bill of £3. 5s. 10d, but Constables Russell and Loader in 1784 spent £7. 18s. on relief. Loader worked as a lower-status middling carpenter, and Russell as a spoon-maker. Campbell's 1747 London trade directory estimated that a 'master' in each trade made good profits, but journeymen earned twelve to sixteen shillings weekly, so Berkhamsted's relieving bill might have taken over a tenth of their joint incomes.¹⁴⁰ By 1794, the eighty-six traveller-relieving payments amounted to £10. 1s. 8d. of Berkhamsted constables' £13. 1s. total bill for that year.

The expense of subsidising traveller-relief payments for several months probably made wealthier constables more suited to office in thoroughfare parishes. However, the county's swift payment of vagrancy fees and rewards provided these constables with ready money to offset this liability. Eccles posited that constables on well-paid vagrancy routes might remain in office longer, but analysis of Hertfordshire's service records showed that the reverse was true.¹⁴¹ Berkhamsted's, Cheshunt's and Chipping Barnet's constables collectively served an average of 1.6 years each before 1780, and only 1.4 thereafter. Even Cheshunt's James Thompson, who made considerable sums on the Cheshunt-Ware route, served only a year. Conversely, the above-mentioned constables of Shephall, Essendon, Datchworth,

¹³⁸ Cheshunt, Unnamed account 1790-1791.

¹³⁹ Cheshunt, Thompson's account 1784-1785.

¹⁴⁰ Campbell, *Tradesman*, 1747, pp.160-161, p.239, p.243.

¹⁴¹ Eccles, *Vagrancy*, p.28.

Little Munden and Benington, which all saw little vagrancy traffic, served 3.4 years before 1780, and 4.2 years afterwards. Vagrancy administration's fees and rewards were thus not sufficient inducement to keep Hertfordshire's busiest constables in office, as Eccles suggested. Constables in these thoroughfare towns may have reduced their service because the workload became too burdensome, or because they could no longer subsidise the traveller-relief payments. It might also be argued that Hertfordshire constables' length of service increased generally after 1780 because the county needed men with more knowledge of the law and practice to tackle rising crime and vagrancy in this period. This was not the case however, and Hertfordshire's town constables who dealt with the lion's share of crime and vagrancy actually had less experience of office than their rural counterparts.

To conclude, this chapter has shown that Hertfordshire's constables underpinned vagrancy administration. It has expanded Eccles' findings by demonstrating how constables carried justices' orders into effect and then reclaimed their fees. As Eccles suggested, some constables exploited loopholes in the removal system to make fraudulent claims, and some made considerable sums on well-trodden vagrancy routes, but still relatively few. Discussion of Cheshunt constables' vagrancy duties has also extended the work of Hitchcock *et al.* and shown what happened to vagrants crossing the county border with Middlesex's contractor. Fluctuations in Berkhamsted's traveller-relief payments were also shown responding to social conditions and London justices' policies of expelling vagrants from the capital after 1780.

Innes discussed justices' discretion in implementing legislation, the social policy-making initiatives of magistrates and reformers, and how those reforms were carried into action by inferior officers.¹⁴² This chapter has shown that Hertfordshire's

¹⁴² Innes, 'Politics and morals'.

constables also exercised considerable discretion when deciding whether to apprehend anyone under the vagrancy laws, and that over half of those relieved carried no documentation but escaped arrest. Some poor travellers may have evoked sympathy in constables, but the Webbs contended that constables hesitated to apprehend paupers if residents objected to vagrants' public whippings, or where they might be accused of 'reward-mongering'.¹⁴³ Research in Hertfordshire could not confirm constables' involvement in whippings, but there were no recorded attacks on constables during vagrancy arrests, and vagrancy's profits did not motivate men to remain in office. Indeed, constables' allowances for transporting vagrants remained static after 1719, limiting the constableness's profitability. Berkhamsted's constables may have exercised their discretion and let such a high proportion of travellers pass because they had neither the time, nor energy, to arrest them all. Equally, paying paupers to move on might have been part of parishes' policies to reduce their poor rate burdens. These policies and constables' involvement in them are discussed further in the next chapter.

¹⁴³ Webb, *Poor Law*, pp.371-373.

Chapter Seven

‘the faithful execution of a public trust’¹

Constables and Their Communities

Constables’ responsibilities for assisting prosecutors, subduing disturbances and dealing with vagrants had an immediacy about them, requiring constables to react quickly and decisively, sometimes with force. Conversely, many of the parish-funded duties discussed in this chapter were routine in nature, could be planned for, and undertaken at convenient times. This does not mean that constables’ responsibilities within their communities were any less contentious than those found in Chapter Five, but many were aimed at avoiding disturbances, imposing regulations and ensuring the efficient running of the parish. It should be remembered that Hertfordshire’s constables not only served their communities, they also lived, maintained friendships, and traded in them. The exercise of their authority cannot therefore be separated from the network of ties shown in the Hierarchy Diagram in Appendix 2, nor the influences of money, family, business, and the expectations of the people they served.

Discussion of Hertfordshire constables’ duties rests largely upon analysis of the 309 accounts rendered to their parish at the end of each year in office, especially

¹ Welch, *Observations*, 1754, p.3.

those from Berkhamsted. As with any primary source, the accounts' usefulness is sometimes limited by their inconsistent survival countywide and the fact that they represent only one of the three ways constables received funding: from the parish, county or prosecutors of crime. They also differ in their detail. Harpenden constables' lengthy accounts described the cases that took them to court, whilst Ayot St Peters' often claimed simply for 'searching' or 'a return'.² Furthermore, the 309 parish accounts only show the duties constables *claimed for*, not all work undertaken on behalf of the parish. Some duties may not have attracted a fee, or constables may have neglected to claim for some work, meaning that inefficient constables who collected their dues assiduously might erroneously appear more effective than active constables who forgot to make up their accounts. The accounts consequently show only a selection of constables' duties, not the complete range of work undertaken, and do not disclose the actual time spent acting for parish, manor, county or victims of crime.

This chapter begins by discussing the most costly and time-consuming aspect of parish administration, that required the cooperation of parish officers, constables and inhabitants alike; namely, the maintenance of the parish's resident poor, and the exclusion of anyone who did not belong.

Poor Law Administration

Pauper administration dominated vestries' and justices' workloads in the eighteenth century.³ The *Poor Relief Act* 1601 required churchwardens and overseers to support the 'impotent' or 'deserving' poor (the elderly, sick or vulnerable), set the able-

² Harpenden, Latimore's Account 1742; Ayot St Peter, Constables' Accounts.

³ Slack, *Poor Law*, pp.56-57. Poor law histories include, Snell, *Parish*; Hindle, *On the Parish* including difficulties defining 'the poor' at pp.13-14; King, *Poverty and welfare*. Families moved in and out of poverty and sometimes juggled poor relief, charity and petty offending in a makeshift economy, Williams, *Poverty, Gender*; King and Tomkins, eds., *Poor in England*. On Hertfordshire's provisions, King and Gear, eds., *Caring County*.

bodied poor to work, and raise the necessary funding through poor rates.⁴ The *Settlement Act* 1662 restricted this relief to paupers who had acquired legal settlement in the parish through (broadly) birth, marriage, employment, ratepaying or local officeholding, including that of constable.⁵ Churchwardens and overseers consequently remained vigilant to prevent paupers acquiring settlement, and quickly removed anyone likely to become chargeable.

This research established that the poor laws did not assign constables specific roles in maintaining and removing paupers. Instead, constables were simply the proper officers to execute the warrants issued by justices after churchwardens' and overseers' applications. When someone had no apparent right to reside in a parish, churchwardens and overseers asked ask justices to examine the person to determine their legal settlement.⁶ Hemel Hempstead's vestry in 1734 resolved to apprehend non-residents for examination, and further agreed in 1737 to employ two workhouse inmates to 'go about the town and take up beggars and hand them to the constable', who presumably presented them for examination *en masse*.⁷ Another large-scale examination took place in 1779, when Justice Morland addressed a handwritten settlement examination warrant to 'the Constable of Great Amwell', the long-serving, illiterate labourer, Joseph Smith, holding office that year.⁸ The warrant summoned fifteen men to a special petty sessions held three days later at *The Four Swans*, seven miles away in Cheshunt. Eight of the fifteen appeared, confirming Smith's prompt action, but the examination's outcome is unknown.⁹ When Cheshunt's overseers in 1762 applied to resident Justice Janssen to have William

⁴ 1601, *Poor Relief Act*; Lees, *Solidarities*, pp.22-24.

⁵ 1662, *Act for the better relief of the poor of this Kingdom (Settlement Act)*, 13 & 14 Car.II c.12. Detailed discussion of settlement, Burn, *Justice*, 1758, Vol.III, pp.11-79. Also, Snell, *Parish*, pp.85-86.

⁶ Snell, *Parish*, p.139.

⁷ Hemel VM 1732-1742.

⁸ Great Amwell *Militia Lists*.

⁹ Warrant and notes 10th May 1779, Great Amwell, Settlements 1765-1880, D/P4/13/1-3.

Langley examined, Janssen issued a warrant on a pre-printed form. This directed ‘all Constables and other his Majesty’s Officers of the Peace for the said County’ to summon Langley to appear a week later at a Cheshunt workhouse meeting for examination.¹⁰

Hertfordshire’s constables sometimes incurred great trouble and expense when actioning settlement examination warrants. Therfield’s Constable Pain in 1751 claimed a shilling for the three-mile journey to Royston ‘to take John Jackson and have him before the Justice to swear him to his habitation’, and a shilling the next day for another ‘journey with John Jackson to the Justice’.¹¹ Harpenden’s shopkeeper-constable, William Freeman, twice journeyed ten miles to Berkhamsted with Zachariah Lines in May 1784 for settlement examinations. The eight shillings Freeman charged the parish in his annual accounts fell below the sixpenny mileage rate the county paid constables for conveying vagrants and may not have compensated Freeman adequately for the journey.¹² Furthermore, St Albans refused to accept Lines, and justices returned him to Harpenden.¹³ The following year, Constable Freeman also took several people seven miles to Hatfield to swear to their ‘last habitation’, and received sixpence a mile for the journey.¹⁴ Berkhamsted’s constables attended the town’s own petty sessions so charged only a shilling for an examination warrant concerning Catherine Tomlin in 1786.¹⁵

Unlike vagrancy, a removal order under the settlement laws required two justices’ signatures and might be appealed by the receiving parish. The removal order required the applicant churchwardens and overseers to convey the pauper to his legal

¹⁰ Cheshunt, Settlement, Removals, Examinations.

¹¹ Stephen Pain’s account 1751, Therfield, Constables.

¹² Harpenden, Freeman’s Account 1783-1784. For allowances see Chapter Six, Table 6.1.

¹³ *HCR*, Vol.VIII, p.372.

¹⁴ Harpenden, Freeman’s account 1784-1785.

¹⁵ Robert Loader’s account 1785-1786, Berkhamsted, Constables’ Book.

settlement, but Snell found overseers only undertook short journeys and left constables to go longer distances.¹⁶ Hertfordshire's constables occasionally transported paupers on behalf of parish officers, as when Bovingdon's Constable Durrant, an illiterate, deaf, farmer's son, claimed five shillings plus horse-hire expenses for 'an Order of Removal for Samuel Phillips' to an unknown parish in 1761.¹⁷ Snell described the contested, violent nature of some settlement proceedings and Berkhamsted's constables experienced difficulties when ejecting William Turney in 1788.¹⁸ Constable Stevens served the original examination warrant but needed his co-constable's assistance to escort Turney the three miles to 'Gadsden', suggesting Turney did not go quietly, and providing a rare example of constables acting jointly within the parish.¹⁹

Hertfordshire's constables went back and forth if the receiving parish appealed the removal order. Ashwell's Constable Ball in 1731 claimed 4s. 7d. when he and his 'aid' guarded Matthew Marvel overnight. Ball then took Marvel to justices nine miles away in Buntingford, before sitting up with him again, adding over eleven shillings to Ball's expenses.²⁰ Justices removed Marvel to Eyeworth, Bedfordshire, but Eyeworth appealed, returning Marvel and his wife to Ashwell.²¹ Three months' later, Ashwell's Constable Everard hired horses to take Marvel and his wife six miles to Rushden, on possibly another failed removal attempt. Marvel remained in Ashwell until 1764, then he (or his sons) relocated to Rushden.²² Aldbury's labourer-constable charged his parish £3. 9s. 6d. for the nine-mile removal to Luton, suggesting several journeys, protracted court proceedings and heavy assistance

¹⁶ Precedent order in Burn, *Justice*, 1758, Vol.III, pp.80-85. Snell, *Parish*, p.139.

¹⁷ William Durrant's account 1761-1762, Bovingdon VMB.

¹⁸ Snell, *Parish*, pp.139-143.

¹⁹ Thomas Holliman's and John Steven's accounts 1788-1789, Berkhamsted, Constables' Book.

²⁰ Ashwell Constables' Accounts.

²¹ *HCR*, Vol.VII, p.236.

²² Ashwell Constables' Accounts; Rushden *Militia Lists*.

costs.²³ This represented around six weeks' wages for the constable.²⁴ Snell asserted that many paupers left the parish voluntarily when faced with removal proceedings, and Hertfordshire constables' accounts certainly made few claims for settlement and removal actions.²⁵ Berkhamsted's constables from 1747 to 1799 served only seven examination warrants, and removed the difficult William Turney in 1788, implying overseers only used constables when they anticipated difficulties, or that people indeed left of their own accord. Instead, constables' real value to parishes perhaps lay in preventing paupers taking root in the first place.

As seen in Chapter Six, Cheshunt's vestry instructed its beadle to keep vagrants off the streets, and constables displayed justices' orders proclaiming strict enforcement of the vagrancy laws in 1783. Additionally, the Webbs found Gloucester's constables in 1786 forcing undesirable characters out of town, Essex and Yorkshire parishes taking newspaper advertisements threatening to punish beggars and vagrants, and London and Middlesex justices in 1764 systematically clearing vagrants from their districts.²⁶ The latter action probably forced more travellers onto Hertfordshire's roads. Hertfordshire constables' accounts revealed that constables' payments to poor travellers might be accompanied (or replaced) by menaces to keep paupers moving out of the parish, and that the policy fell heavily upon pregnant women and invalids. In 1732, Braughing's constables relieved five 'sick' persons and five 'big bellied' women, including a 'woman in labour' who received 2s. 6d. to leave and prevent her newborn gaining settlement there.²⁷ Chipping Barnet's, Cheshunt's and Berkhamsted's sources clearly expressed parishes' intentions to eject the needy. Barnet's overseers in 1756 paid Constable

²³ Thomas Cock's account 1797-1798, Aldbury Constables 1795-1798.

²⁴ Based upon weekly earnings of ten to twelve shillings, Young, *General View*, 1804, p.217.

²⁵ Snell, *Parish*, p.140.

²⁶ Webb, *Poor Law*, pp.376-378.

²⁷ Braughing, Constables 1730-1739.

Doubleday two shillings ‘to get a woman out of ye parish’, and Cheshunt’s Constable Newell paid sevenpence to ‘a poor woman weary big with child and 2 children with small pocks to git rid of her’.²⁸ Berkhamsted’s constables recorded sixteen instances of expressly paying people to leave in the 1790s, and local justices undoubtedly condoned the practice. Constable Austin in 1790 had three days’ ‘attendance’ on a sick man before taking him to Reverend Justice Bingham. Austin’s bill included 1s. 6d. given to the invalid ‘to Go out of the Parish’, the justice likely recommending this course of action.²⁹ Berkhamsted’s Constable Tomlin in 1793 did not eject a sick couple quickly enough and his accounts claimed 15s. 6d. for thirteen days’ maintenance at *The Goat*.³⁰

This research revealed that Hertfordshire’s constables were party to vestry policies of formally removing people and paying (or threatening) paupers to move on. Welwyn’s vestry resolved in 1766 to search the parish for anyone without legal settlement, resulting in six being sent for examination. The ten vestry signatories included four former, and one future, constable.³¹ Landau found Maidstone’s overseers and constables conducting similar searches.³² Resident justices and clergyman-justices attended Hertfordshire’s vestries, implying the bench’s tacit approval of moving people on.

The poor laws gave overseers and churchwardens responsibility for supporting the settled poor, but research found that three Hertfordshire constables absolved parishes from maintaining resident paupers by contracting to run

²⁸ Chipping Barnet, Overseers' Accounts 1745-1785, D/P15/12/2; Cheshunt, John Newell, Constable's Account, February-May 1785, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

²⁹ William Austin's account 1790-1791. Earlier payments include one to a woman whose child had smallpox, William Nailor's account 1748-1749, Berkhamsted, Constables' Book.

³⁰ John Tomlin's account 1793-1794, Berkhamsted, Constables' Book.

³¹ Welwyn VM 1763-1784.

³² Norma Landau, 'Who was subjected to the Laws of Settlement? Procedure under the Settlement Laws in Eighteenth-Century England', *Agricultural History Review*, Vol.43, No.II, (1995), pp.145-146.

workhouses established to accommodate, feed and employ the resident poor.³³ Enfield Workhouse in 1787 adopted Cheshunt Workhouse's rules, which authorised its salaried master under vestry direction, to receive inmates, to not allow them out without permission, and to punish them.³⁴ Independent contractors running workhouses for fixed fees had no such vestry checks on their operation.³⁵ Berkhamsted's George Hoare, a local shoemaker and one of the town's serving constables, contracted in 1767 to employ and maintain the poor in Berkhamsted workhouse, and probably had *carte blanche* to organise its regimen and discipline.³⁶ Hoare also ran Berkhamsted's house of correction from 1764 to 1769, and these institutions had remits to punish and reform offenders through hard labour. Innes dubbed them 'prisons for the poor', drawing parallels between the penal functions of workhouses and bridewells.³⁷ Hoare may consequently have operated both institutions on similar lines. The Liberty Quarter Sessions' justices in the 1750s admonished victualler-constable Richard Doubleday for fraudulently inflating his vagrancy fees, but Doubleday served as Chipping Barnet's constable every year from 1748 to 1770, save one.³⁸ In 1760, Doubleday instead acted as overseer, the same year the vestry awarded him the workhouse contract. Under this, Doubleday received pauper maintenance fees, an annual salary and supplied the workhouse with beer from his own pub. In 1777, staymaker William Allen became Barnet's workhouse

³³ On workhouses, Tomkins, *Experience*, Chapter 2; Oxley, *Poor Relief*, Chapter 5; Tim Hitchcock, 'Paupers and Preachers: The SPCK and the Parochial Workhouse Movement', in *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, ed. Lee Davison et al., (Stroud and New York: Alan Sutton and St Martin's Press, 1992).

³⁴ Anon., *Rules and Orders for the Regulation of the Workhouse, of the Parish of Enfield*, (London: 1787). For a more benevolent view of Cheshunt workhouse, Sheila White, 'Looking after the poor: Cheshunt parish workhouse in the mid-eighteenth century', in *A Caring County? Social welfare in Hertfordshire from 1600*, ed. Steven King and Gillian Gear, (Hatfield: Hertfordshire Publications, 2013).

³⁵ Oxley, *Poor Relief*, p.87.

³⁶ Berkhamsted, Churchwardens' Accounts 1661-1892, D/P19/5/3-5.

³⁷ Innes, 'Prisons', p.93. On workhouse-discipline links, Lees, *Solidarities*, pp.106-111.

³⁸ See Chapter Six and *HCR Liberty*, Vol.IV, pp.33-35.

contractor, but also served as a Chipping Barnet's constable from 1770 to 1779.³⁹

Hertfordshire's constables also assisted parish officers in other ways, as when they used their administrative skills to help with the sick and dying. Hitchin's constables in January 1739 hired a horse, paid someone three shillings to fetch a doctor from Bedfordshire, and then paid that doctor thirteen shillings.⁴⁰ The constables' occupations are unknown, but they were not reimbursed until March 1740, again demonstrating constables' need to have sufficient resources to meet immediate expenses. Berkhamsted's 1758 constable paid a midwife and attended a 'great belly'd woman' overnight, whilst the town's 1765 constable carried a sick boy between Buckinghamshire and Aldbury.⁴¹ Ministering to the sick sometimes placed constables in personal danger, as when Therfield's 1776 constable summoned a doctor and organised special bedding for a smallpox sufferer.⁴²

Constables occasionally arranged coroners' inquests and burials. Hemel's vestry asked Constable Bryant to organise Amy Gibb's burial in 1737 and then take account of her goods, whilst Braughing's constable paid six shillings for a child's funeral in 1730.⁴³ Upon an unexplained death, coroners issued precepts to convene inquest juries, and Berkhamsted's constables assembled nine from 1747 to 1799.⁴⁴ However, Datchworth's 1769 constable tried to obscure four deaths caused by parish officers' neglect. Philip Thicknesse, a quarrelsome former soldier, prolific author and self-publicist, took up the case of James Eaves, his wife and two children who

³⁹ Chipping Barnet, Overseers 1745-1785; Chipping Barnet VM 1765-87.

⁴⁰ Constables also paid two midwives, James Driver's and Joseph Ransom's accounts 1739-1740, Hitchin, Constables' Rates.

⁴¹ Thomas Bucknall's account 1758-1759; Aldbury, Robert Potter's account 1765-1766, Berkhamsted, Constables' Book.

⁴² Henry Hodge's account 1776, Therfield, Overseers' Vouchers.

⁴³ Hemel VM 1732-1742; Thomas Mabbut's and William Foreman's account 1730, Braughing, Constables 1730-1739.

⁴⁴ Berkhamsted, Constables' Book; Burn, *Justice*, 1758, Vol.I, p.316.

had starved to death in Datchworth's poor house.⁴⁵ Thicknesse's pamphlet on the affair explained how he had viewed the Eaves' bodies, made local enquiries and discovered that the churchwarden and overseer (the Bassett brothers) had neither paid relief, nor visited the family in weeks.⁴⁶ Thicknesse demanded the coroner be informed, but later met the constable driving a cart carrying coffins. The unnamed constable (likely, George Warby who served from 1758 to 1782) had instructions to see the Eaves 'privately huddled into the grave' before any inquest.⁴⁷ Thicknesse offered to sit on the coroner's jury but the constable said he had specific orders from the churchwarden not to summon him. Despite this, Thickness became foreman of a jury 'composed of the most illiterate part of the parish', none of whom shared Thicknesse's opinion that the family had died of neglect. Thicknesse's depiction of the constable-overseer relationship suggests that this constable acted upon the overbearing Bassetts' orders, rather than being party to decisions.

Births also occupied Hertfordshire's constables. As well as organising midwives, constables became involved in bastardy actions which sought maintenance for poor, illegitimate children likely to become chargeable to the parish. Overseers applied to justices to have unmarried women questioned about their child's paternity and sought a voluntary *bastardy bond* from the father for the child's maintenance, as when married John Fryer agreed to pay Welwyn's vestry ten pounds for making Sarah Bonfield pregnant in 1764.⁴⁸ Alternatively, overseers might apply under the *Bastard Children Act* 1733 for a justices' warrant to arrest the reputed father to answer

⁴⁵ Katherine Turner, 'Philip Thickness (1719-1792)', in *Oxford Dictionary of National Biography*, (Oxford: Online edition at www.oxforddnb.com [accessed 25th January 2017], 2008).

⁴⁶ Philip Thicknesse, *An Account of the Four Persons Found Starved to Death at Datchworth in Hertfordshire*, (London: Second edition, 1769).

⁴⁷ Datchworth *Militia Lists*.

⁴⁸ Welwyn VM 1763-1784. On bastardy bonds, Bromfield, 'Incidences', p.82. On bastardy examinations and attitudes towards illegitimacy, Evans, '*Unfortunate Objects*', pp.7-9.

charges.⁴⁹ Shaw's *Parish Law* 1748 confirmed that constables were 'not named in the Statute, nor by it appointed to execute these warrants', but did so as the proper officers of justices.⁵⁰ The bastardy procedure is illustrated in Barkway's Mary Guiver naming John Tilbrook of Cambridgeshire as her child's father in her 1749 examination before Justice Jennings. Jennings issued an arrest warrant to all constables and peace officers in Hertfordshire on a pre-printed form that recited Mary's evidence and ordered Tilbrook to be presented to any justice.⁵¹ It is supposed that Barkway's constables left the county to action it, extending constables' authority beyond Hertfordshire's borders.

The arrest of farmer James Dellow for bastardy in 1771 by Therfield's constable did not go smoothly. Mary Wrangle named Dellow in her examination and the constable's extensive bill showed it took a day and a night to trace Dellow in Royston, before the constable carried him twenty miles to Hertford Quarter Sessions for a bastardy affiliation order to secure the child's maintenance. The unnamed constable recruited two men's aid for the three-day, two-night, pursuit and hearing, and rendered a final bill of £1. 16s. 9d.⁵² Putative father John Turner skipped the county in 1773, but Cheshunt's constable and overseer chased him forty miles to Gosfield, Essex. Their large expenses claim included, 'waiting for the man at Bocking that was sent out for Private Intelligence' indicating that they made extensive enquiries.⁵³ This case also illustrates the close collaboration between constables and parish officers.

Burn's 1758 justices' manual advised that magistrates could fine and imprison

⁴⁹ 1733, *Act for the relief of parishes and other places from such charges as may arise from bastard children born within the same (Bastard Children Act)*, 6 Geo.II c.31; Shaw, *Parish Law*, 1748, p.190.

⁵⁰ Shaw, *Parish Law*, 1748, p.174. Procedures, precedent examinations and arrest warrant outlined in, Burn, *Justice*, 1758, Vol.I, p.147, pp.165-167.

⁵¹ Barkway, *Miscellaneous Papers 1675-1798*, D/P13/18/1-2.

⁵² Constable probably William Hale Junior, Therfield, Constables.

⁵³ Richard Brett's account August 1773, Cheshunt, *Miscellaneous Bills*.

constables who allowed putative fathers to escape and order him ‘to make satisfaction to the prosecutors’.⁵⁴ *R. v. Ridge* 1713 involved a similarly negligent constable who had been ordered to pay three pounds expenses and weekly maintenance for a child. Judges quashed the judgment upon appeal and said that justices had no authority to fine constables.⁵⁵ Burn’s 1758 manual did not cite this case, although Shaw’s 1748 manual did, and concluded that justices had general discretionary power to punish constables outside the bastardy laws for neglect of duty.⁵⁶ Justices could not additionally order constables to make restitution. In Hertfordshire, Justice Browne in 1769 directed Ware’s Constable Belgrove to apprehend Samuel Twiner for bastardy, but Belgrove ‘unlawfully and negligently did permit’ him to escape. Despite Belgrove’s not guilty plea, Hertford Quarter Sessions’ justices fined him shilling, presumably for his misconduct.⁵⁷ Belgrove was not ordered to pay child maintenance, but it will be recalled that Cheshunt’s Justice Moreland in 1775 used a vestry meeting to order Constable Alsop to pay £7. 10s. to the overseers for allowing an escape, being a forty-shilling fine plus expenses.⁵⁸ The prisoner’s offence is unknown, but Moreland maybe used the vestry to levy this unusually high penalty to secure child maintenance from the constable, an option not open to him in court.

Hertfordshire’s constables sometimes acted as surety for fathers’ attendance at bastardy hearings, as when Ridge’s Constable Pedder, a yeoman, entered into a twenty-shilling recognizance for Daniel Anstead to answer for Mary Archer’s pregnancy in 1775.⁵⁹ Ridge had only 266 inhabitants, so Pedder would have known this son of a fellow farmer, showing the blurred lines of constables’ authority and

⁵⁴ Burn, *Justice*, 1758, Vol.I, p.147. Constables might be indicted for allowing an escape in bastardy proceedings but the punishment was not specified, Shaw, *Parish Law*, 1748, p.194.

⁵⁵ Const, *Laws*, 1807, p.507.

⁵⁶ Shaw, *Parish Law*, 1748, pp.194-195.

⁵⁷ Accounts of Issues, QSMisc 1731-1776.

⁵⁸ See Chapter Five and Cheshunt B-of-O 1752-1781.

⁵⁹ 12th January 1775, Liberty Gaol 1 1770-1786.

community connections. Additionally, Daniel's father had been constable from 1763 to 1765.⁶⁰ Constables themselves were also named in bastardy proceedings. In 1761, Sarah Rogers alleged that Cheshunt's Walter Adams had fathered her daughter when she worked on his farm. Adams became constable in 1770.⁶¹ Justices also ordered William Wackett in 1775 to pay nine pounds to support Elizabeth Chapman's three-year-old son, four years before Wackett became Cheshunt's constable.⁶²

Kent found it difficult to measure parish officers' diligence in enforcing bastardy statutes, but saw such prosecutions declining slightly in early eighteenth century Staffordshire.⁶³ Hertfordshire's quarter sessions summaries contained seventy applications for maintenance orders from 1700 to 1752, and only twenty-eight in the second half of the century, indicating that the number of cases continued declining. However, some Hertfordshire parishes took more direct action, as when Harpenden's 1785 constable used his office and parish funds to secure more than child maintenance for a family member. Constable William Freeman charged Harpenden vestry eight shillings for a three-day manhunt ending in 'taking up William Osborn on account of Esther Freeman, she laying a great belly to him'.⁶⁴ Freeman's pursuit did not merely end in a affiliation order, because neighbouring Wheathampstead's parish registers showed Osborn marrying Esther three days after his arrest, likely under duress.⁶⁵ Freeman also arrested John Attwood for bastardy in 1785 and oversaw his wedding.⁶⁶ Women acquired their husband's settlement upon

⁶⁰ Ridge *Militia Lists*.

⁶¹ Rogers' bastardy examination 1761 and settlement examination 1764, Cheshunt, Settlement, Removals, Examinations.

⁶² Cheshunt, Settlement, Removals, Examinations.

⁶³ Kent, 'Centre', pp.371-372.

⁶⁴ Harpenden, Freeman's Account 1783-1784.

⁶⁵ Wheathampstead, *marriage of William Osborn and Esther Freeman, 8th January 1785*, ('England Marriages, 1538-1973', FHL microfilm 569,769 at www.familysearch.org [accessed 10th May 2016]).

⁶⁶ Wheathampstead, *marriage of John Atwood and Ann Mayes, 22nd April 1785* (from 'England Marriages, 1538-1973', FHL microfilm 1040664 IT1-6 at www.familysearch.org [accessed 10th May 2016]); Harpenden, Freeman's account 1784-1785.

marriage, as did any children, so parishes contrived to marry pregnant, poor or troublesome women to men settled elsewhere.⁶⁷ Enfield, Middlesex, prosecuted three of Elstree's officers, including its constable William French Cowley, at Hertford's assizes in 1795 for conspiring to procure a marriage between a poor man from Enfield and a woman receiving relief in Elstree. 'Accompanied with some circumstances of suspicion', the Enfield groom received five guineas from Elstree's officers to marry their female pauper, thus transferring her maintenance to Enfield. The case failed on technicalities, and without judges pronouncing on the legality of Elstree's actions.⁶⁸

The potential for action from other parishes perhaps encouraged parish officers to list the expenses of forced marriages in constables' accounts, which were seen by vestrymen alone, effectively hiding wedding expenses from magistrates. However, research found that justices undoubtedly condoned the practice. Berkhamsted's 1774 constable claimed for 'Serving a Warrant on Wm. Shepherd' in a bastardy case, before 'Attending him to Church & to Mr Noyes & Mr Nicolls', both of whom were magistrates.⁶⁹ In all, eight weddings appeared in Hertfordshire's 277 constables' accounts, some taking place by force. Chipping Barnet's 1742 constable arrested a man, took him to prison 'And carrying the Woman to London, And bringing him out of Gaol, And compelling him to Marry her to get her away'.⁷⁰ Other grooms received bribes and considerable quantities of alcohol. Therfield's Constable Chandler in 1774 oversaw William Anderson's marriage, and Chandler's bill included seventeen claims for beer (over forty pints consumed), another seventeen

⁶⁷ Snell, *Parish*, pp.143-144.

⁶⁸ 'R. v. Tanner', Isaac Espinasse, *Reports of Cases Argued and Ruled at Nisi Prius in the King's Bench and Common Pleas, 1793-1796*, (London: Printed by A. Strahan, 1796), pp.304-307.

⁶⁹ Samuel Beck's account 1773-1774, Berkhamsted, Constables' Book. For seventeenth-century justices approving forced marriages, Adrian Wilson, *Ritual and Conflict: the Social Relations of Childbirth in Early Modern England*, (Farnham: Ashgate, 2013), p.43. For more on William French Cowley, see Chapter Five.

⁷⁰ Chipping Barnet, Overseers 1720-1744.

for meals, three nights' accommodation, horse hire and the charges of his 'aide'. The constable also bought the marriage licence and gave Anderson three guineas for going through with it, costing Therfield vestry nearly nine pounds.⁷¹

Some marriages failed and husbands absconded, leaving their poor families chargeable to the parish. Husbands who deserted their families were deemed 'idle and disorderly persons' under the *Vagrancy Act* 1744, making constables responsible for their arrest, and the county liable for the expenses.⁷² For instance, Bushey's Constable Gudgen in 1789 arrested Bold Eaton as a vagrant for running away from his family, and took him to the house of correction.⁷³ However, Hertfordshire's constables again used their discretion in deciding whether such runaways should be punished under the vagrancy laws. Harpenden's ever-active Constable Freeman in 1785 charged the parish, not the county, for arresting William Dearmer and taking him to justices for twice deserting his family.⁷⁴ Constable Freeman similarly pursued George Clay to Hatfield, Bricketwood and London, and William Adams to London, for deserting their families. Joanne Bailey found anecdotal evidence of constables acting as mediators in violent and unhappy marriages, but they had limited powers to intervene in disputes.⁷⁵ There is no direct evidence of this in Hertfordshire, but Freeman's decisions not to arrest men as vagrants might have been attempts to reconcile the families and make the father once more responsible for maintaining them.

Even though statutes did not involve constables in pauper administration, constables lent their skills in locating, arresting and transporting offenders to parish

⁷¹ Therfield, Constables; Therfield, *marriage of William Anderson and Sarah Edwards, 31st October 1774*, ('England Marriages, 1538-1973', FHL microfilm 569,761 at www.familysearch.org [accessed 10th May 2016]).

⁷² Burn, *Justice*, 1758, Vol.III, p.399. On desertion, Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800*, (Cambridge: CUP), Chapter 3.

⁷³ Accounts for Conveyance, QSMisc B132(3).

⁷⁴ Harpenden, Freeman's account 1784-1785.

⁷⁵ Bailey, *Marriage*, pp.37-40.

officers in poor law actions. Hertfordshire's constables also joined fellow officers and inhabitants in making local policies to reduce burdens on the poor rates, positioning constables as decision-makers, rather than simply as subordinate officers acting at parish officers' behest. Additionally, research found that constables' responsibilities within the parish were far more diverse than those of parish officers. These included maintaining order within the community and the control of minor disturbances, and these are considered next.

Local Peacekeeping

Burn's 1758 justices' manual described constables as common law conservators of the peace, and their responsibilities for crowd control and subduing major disturbances on behalf of the county have already been discussed.⁷⁶ Research further revealed that Hertfordshire's parishes paid constables to deal with low-level disorder and troublesome individuals within the community, and to undertake occasional patrols. However, Hertfordshire's constables also played key roles in formulating local regulations and informal controls.

The *Statute of Winchester* 1285 required constables to organise inhabitants in nightly watches between sunset and sunrise from Ascension Day (5th May) to Michaelmas (29th September), and to arrest suspicious persons. In other months, constables could establish watches whenever they deemed it necessary, showing they had discretion in organising their peacekeeping duties. Daytime watching was termed *warding*.⁷⁷ None of Hertfordshire's 277 examined constables' accounts charged for nightly watches, or for 'walking the beat'. However, when Cheshunt's workhouse relocated on the main road in 1782, the stocks and 'watch-house' were

⁷⁶ Burn, *Justice*, 1758, Vol.I, p.294.

⁷⁷ Burn, *Justice*, 1758, Vol.III, p.431.

moved nearby, suggesting the latter was regularly manned to oversee the highway.⁷⁸ Berkhamsted's two constables in the 1750s charged the parish for patrolling two to four annual fairs – Shrovetide, Whitsuntide, 25th July, and 16th September – but the thrifty local justice, Thomas Herbert Noyes, ordered in 1761 that constables should not put expenses in their accounts 'for watching & warding at fairs or other times unless by special order of some justices'.⁷⁹ Berkhamsted's constables never again claimed for patrolling these fairs, but available sources could not clarify whether the county paid for watches after 1761, or whether constables no longer attended.

From 1770, Berkhamsted's constables claimed a shilling each most years for watching on 5th November (or 'Gunpowder Treason'), often a day of noisy celebrations.⁸⁰ Griffin found later-eighteenth-century civic leaders attempting to stop public plebeian celebrations, but revellers ignored prohibitions on bonfires and fireworks, and the urban poor resisted controls.⁸¹ This again pitted constables' need to maintain order against parishioners' desire for enjoyment. However, Shephall's vestry in 1769 banned bonfires to reduce fires in hayricks, so Berkhamsted's constables could have been on fire-watch after 1770, not keeping order, which explains why Noyes allowed the expense.⁸² Finally, Berkhamsted's 1790 constable thwarted a potential troublemaker when he helped 'overseers to order a Shewman out of the parish'.⁸³ Entertainers fell within the vagrancy laws, but this constable exercised his discretion not to arrest, and helped parish officers take more direct action, again showing local officers working in tandem.

⁷⁸ Cheshunt, *Workhouse Minutes*; White, 'Cheshunt workhouse', p.152.

⁷⁹ Berkhamsted, *Constables' Book*.

⁸⁰ Berkhamsted, *Constables' Book*.

⁸¹ Emma Griffin, *England's Revelry: a History of Popular Sports and Pastimes, 1660-1830*, (Oxford: OUP, 2005), pp.108-113. On celebrations, David Cressy, *Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England*, (Stroud: Sutton Publishing, 2004), Chapter 9.

⁸² Shephall, *Constables*.

⁸³ William Austin's account 1790-1791, Berkhamsted, *Constables' Book*.

One constable was accused of failing in his peacekeeping duties by a predecessor. Berkhamsted constables' accounts in 1752 noted that Edward Collyer had 'proceeded in law against Robert Bates...for a Breach of Duty in Executing his Office towards keeping the peace on Sunday 12th day of April last'.⁸⁴ Details of any related offence did not appear in Hertfordshire's quarter sessions summaries or constables' accounts. Collyer had been Berkhamsted's constable in 1749, and Bates served from 1750 to 1752, but the vestry sided with Bates and agreed to meet his legal costs. The resolution to support Bates garnered sixteen signatures, including those of churchwardens, overseers, Bates' co-constable and three former constables.⁸⁵ This support, and the vestry's payment of the costs of defending the action, demonstrated Berkhamsted's faith in Bates and their resolution to uphold the authority of its constables.

Constables usually acted upon justices' directions or parish initiatives in peacekeeping, but Cheshunt's leet jurors uniquely ordered constables to suppress disorder in 1788, albeit at the likely insistence of the manor's owner and resident justice, George Prescott. Cheshunt jurors presented that, at the time of opening the Lammas Grounds (common fields),

'several disorderly persons have assembled therein rioting drinking and committing many misdemeanours particularly on the Sabbath to the displeasure of almighty God...the great annoyance of well disposed persons, the evil example of others and the great disgrace of the manor and parish'.⁸⁶

Jurors recommended giving notice in church of the intended prosecution of offenders

⁸⁴ Berkhamsted, Constables' Book.

⁸⁵ Berkhamsted, Constables' Book. No reference to the action found in Hertfordshire's quarter sessions summaries.

⁸⁶ Cheshunt MCB.4 1775-1789.

as a deterrent, and ordered that ‘the constables and headboroughs in the manor do personally attend and used their utmost endeavours to prevent rioting and assembling and apprehend all persons they shall find guilty thereof’.⁸⁷ This shows constables once more involved in preventing disturbances, not merely apprehending offenders, and the use of the manorial court to augment Justice Prescott’s power beyond the bench.

Formal sanctions were not always invoked against offenders. In maintaining local order in the seventeenth century, Wrightson asserted that communities preferred settling conflicts by mediation and informal sanctions, whilst Kent discussed the ‘self-regulating’ nature of village communities when dealing with minor offending.⁸⁸ This, Kent contended, affected how constables undertook ‘police duties’, taken here to mean crime-fighting and peacekeeping, rather than *policing* in its wider sense of community welfare.⁸⁹ Kent also concluded that seventeenth-century constables bowed to local pressures to join, or lead, folk punishments against local troublemakers, including charivaris, detention in the stocks and duckings.⁹⁰ Zedner argued that informal means of maintaining order in the eighteenth century were both common and sanctioned by magistrates, and Davey added that such informal controls were strongest in small communities.⁹¹ This implies that these controls would have been customary and similarly strong in Hertfordshire where over half of parishes had

⁸⁷ No similar directions given in other Cheshunt Manor court books, nor in any other examined manorial sources.

⁸⁸ Wrightson, ‘Two Concepts’, p.30. Kent, *Village Constable*, p.273, citing (inter alia) M. J. Ingram, ‘Communities and Courts: Law and Disorder in Early-Seventeenth-Century Wiltshire’, in *Crime in England 1550-1800*, ed. J. S. Cockburn, (London: Methuen & Co, 1977); Sharpe, ‘Delinquency’; Wrightson ‘Two Concepts’.

⁸⁹ Emsley, *European Experiences*, pp.61-63.

⁹⁰ Kent, *Village Constable*, p.273; Joan R Kent, ‘Folk Justice’ and Royal Justice in Early Seventeenth-Century England: a ‘Charivari’ in the Midlands’, *Midland History*, Vol.8, No.1, (1983). Also on folk justice, Martin Ingram, ‘Ridings, Rough Music and the ‘Reform of Popular Culture’’, *Past & Present* Vol.105, No.Nov, (1984); Martin Ingram, ‘Charivari and Shame Punishments: Folk Justice and State Justice in Early Modern England’, in *Social Control in Europe: 1500-1800*, ed. Herman Roodenburg, (Columbus: Ohio University Press, 2004); E. P. Thompson, ‘Rough Music’, in *Customs in Common*, (London: Penguin, 1988).

⁹¹ Zedner, ‘Policing’, p.83; Davey, *Rural Crime*, p.125.

fewer than 500 inhabitants, and a fifth contained under 200 people. It has been seen that Hertfordshire's justices trusted constables' judgement in implementing the vagrancy laws, and that constables exercised considerable discretion in arresting only around half of the vagrants they encountered in the later-eighteenth century. It is therefore possible that constables also presented few of the parish's offenders to justices, and that justices approved this policy too.

Hertfordshire's sources did not contain examples of eighteenth-century constables' involvement in folk punishments, but one constable became personally involved in a local dispute. Bovingdon's vestry records document its dislike of Curate Evan Price, and villagers' attempts to remove him. Tempers boiled over in 1728 when Samuel Slader, Bovingdon's gentleman 'deputy constable', assaulted Price at a graveside during a funeral, assisted by a yeoman, a husbandman and a labourer. Three of Price's supporters joined the fray, and all were indicted at Hertford Quarter Sessions and fined.⁹² Constables were thus closely linked with their communities, subject to the prevailing mood of the vestry, and sometimes driven to action by their personal convictions.

Rather than being coerced into joining community action against individual offenders, research here found that constables were amongst the parishes' principal inhabitants making local policies to exert control, sometimes alongside justices, and often affecting the poor. Anne-Marie Kilday asserted that poverty and criminality were often linked in the public consciousness during the eighteenth century, and Wrightson concluded that parishes manipulated the poor laws to provide social control.⁹³ This may explain why Hertfordshire's vestries sought to control the

⁹² *HCR*, Vol.II, pp.62-63.

⁹³ Anne-Marie Kilday, 'Criminally Poor?' Investigating the Link Between Crime and Poverty in Eighteenth Century England', *Cultural and Social History* Vol.11, No.4, (2014). Also, Hay, 'War, Dearth'; Wrightson, *English Society*, p.227.

behaviour of the poor, as when Welwyn's vestrymen in 1766 ordered that 'all persons that are Idle and Disorderly be taken proper Notice of by the Officers to procure their future amendments'. Signatories included past and future constables, who would have ensured the resolution's implementation.⁹⁴ Workhouses provided an even greater opportunity to exert control over the poor. As seen, Barnet and Berkhamsted placed constables in charge of their workhouses, and other Hertfordshire workhouses were used to confine and punish paupers. Cheshunt vestry in 1738 ordered the workhouse master to lock the gate and not let inmates 'ramble about the parish'. Former constable, Samuel Woodward, endorsed the order, remained an active vestryman, and became workhouse manager in 1762.⁹⁵ William Davis's vagrancy examination in 1772, when removed from Norwich to Cheshunt, claimed he had 'made his escape' from Cheshunt workhouse after three years, indicating long-term confinement.⁹⁶ When Cheshunt workhouse relocated in 1782, two serving constables joined its new committee alongside magistrates and former constables, demonstrating that relationships between justices and constables transcended official boundaries. Additionally, four former constables from Tring were amongst the vestrymen using workhouse confinement to address a woman's mental health issues. After an unsuccessful attempt to have Sarah Axtell committed to an asylum in 1758, they removed (and presumably confined) her to the workhouse in 1760 for being a 'common disturber in the neighbourhood'. Vestrymen directed that Axtell 'be used in such manner as she deserves', hinting at the punitive regime in workhouses.⁹⁷

Innes discussed the close alignment of vestries and magistrates in Middlesex

⁹⁴ Welwyn VM 1763-1784.

⁹⁵ Cheshunt VM 1731-1751; Cheshunt B-of-O 1752-1781.

⁹⁶ See Chapter Six for Davis's removal. Cheshunt, Settlement, Removals, Examinations.

⁹⁷ Tring, Vestry Minutes 1746-1782, D/P111/8/18.

and Westminster, and that some parishes became petty sessions divisions.⁹⁸ Cheshunt's resident magistrates have been seen using vestry meetings to levy fines, but vestrymen asked magistrates to extend this into regular meetings in 1773. Vestrymen proposed that local justices should 'attend once a fortnight...for redressing and punishing all misdemeanours committed in the parish', although petty sessions had been running in Cheshunt since 1759, at least. Two of the nine vestrymen signing the resolution became constables shortly thereafter.⁹⁹ This suggests a close working relationship between resident magistrates, vestrymen and constables, and supports the earlier conclusion that constables had opportunities to discuss problems with justices outside petty sessions.

This does not mean that constables and magistrates were always in accord on local matters, however. The parsimonious Justice Noyes cut Berkhamsted constables' spending in the 1760s, but constables in Aldbury's vestry had earlier rallied against him to defend a neighbour's interests. Thomas Lake, Berkhamsted's 1753 constable, held land near Aldbury, but Noyes wanted it. In 1756 Aldbury's vestry resolved that it 'is very sorry it cannot oblige Thos Herbert Noyes Esq to have the lands in ye possession of Thos Lake but we ye said vestry think it dishonest to take it from him without a just occasion'. Signatories included Aldbury's serving constable and his predecessor, both signing as vestrymen, not constables.¹⁰⁰ This shows constables acting as community representatives and defending local rights. Land rights were also defended in 1786 when two serving and two former constables

⁹⁸ Joanna Innes, 'Managing the Metropolis: London's Social Problems and Their Control, c.1660-1830', in *Two Capitals: London and Dublin, 1500-1840*, ed. Peter Clark and Raymond Gillespie, (Oxford: OUP, 2001), pp.66-67.

⁹⁹ William Feast in 1775 and Thomas Searing in 1776, Cheshunt B-of-O 1752-1781. On petty sessions merging with vestries see also, Tim Hitchcock et al., 'Westminster', *London Lives 1690-1800*, (version 1.1, 24th April 2012), www.londonlives.org, [accessed 20th October 2013]. Totteridge vestry fined a victualler in 1725 for licensing offences and distributed the money to the poor, Totteridge VM.

¹⁰⁰ Aldbury VM 1702-1820.

in Chipping Barnet approved a vestry resolution to institute proceedings for illegal enclosures of common land.¹⁰¹

Wrightson found that seventeenth-century constables risked rousing local enmity when presenting offenders to justices.¹⁰² Hertfordshire constables' presentments to quarter sessions from 1730 to 1799 certainly focussed upon local problems, not individuals, with seventeen out of twenty-eight relating to infrastructure failures.¹⁰³ However, Wrightson also found that seventeenth-century constables reported troublemakers who had 'scandalized, threatened or alienated' the neighbourhood, or parishes petitioning magistrates to take action against particular local problems.¹⁰⁴ Only three of Hertfordshire constables' twenty-eight quarter sessions presentments related to disorderly individuals, and a further two to rowdy pubs. These included Wallington's 1738 constables presenting John Holley and his wife for being 'disorderly folks', whilst Bishops Stortford's 1751 constables arrested publican, John Choate, for being a 'disorderly and abusive man'.¹⁰⁵ These would not have represented all presentments, and justices probably tried such minor cases summarily.

Animals also caused problems for Hertfordshire's constables. Standon's Constable Marshall in 1732 presented butcher John Grout for keeping a 'nasty bitch' that had bitten several people.¹⁰⁶ Doubtless to avoid similar problems, Berkhamsted unusually made dog-control regulations after 1765, and its constables publicised the order by going about the town 'crying the Dogs to be Tyed up'.¹⁰⁷ Thereafter, they took direct action and destroyed dogs: Berkhamsted's 1775 constable paid a shilling

¹⁰¹ Chipping Barnet VM 1765-87.

¹⁰² Wrightson, 'Two Concepts', p.29.

¹⁰³ *HCR*, Vol.VII; *HCR*, Vol.VIII.

¹⁰⁴ Wrightson, 'Two Concepts', p.29; Wrightson, *English Society*, p.170.

¹⁰⁵ *HCR*, Vol.VII, p.268, p.366.

¹⁰⁶ *HCR*, Vol.II, p.68.

¹⁰⁷ 1765, 1768, 1781, 1792, Berkhamsted, Constables' Book. Burn's 1758 manual did not discuss dangerous dogs.

‘for hanging 3 dogs’, and veiled references also appeared in Berkhamsted’s 1793 account.¹⁰⁸ Parliament imposed a dog tax in 1796, to restrict nuisance dogs and curb poaching, but Berkhamsted’s constables were the only ones whose accounts recorded its collection, and they collected it only once.¹⁰⁹

This latter duty illustrates constables’ roles as intermediaries, enforcing orders from central government and justices’ directives within their own parishes. The following analysis of Berkhamsted constables’ accounts from 1747 to 1799 revealed the balance between constables’ county and community responsibilities, how many related to imposing the will of higher authorities upon parishes, and what proportion might place constables at odds with parishioners.

Parish Administration

Analysis of Hertfordshire constables’ accounts, and particularly the extensive accounts from Berkhamsted, confirmed that constables were not merely crime-fighters and peacekeepers. Table 7.1 below, prepared from Berkhamsted Constables’ Book, shows that Berkhamsted’s constables claimed 2,388 fees for duties carried out from 1747 to 1799 (excluding traveller-relief payments), giving an average twenty-three claims for each of Berkhamsted’s two constables every year.¹¹⁰ Of these 2,388 claims, only 237 directly related to peacekeeping and crime-fighting, although the ninety arrests in Table 7.1 may have included apprehending putative fathers or paupers without settlement, not criminals.¹¹¹ A further 163 entries in Table 7.1 related to serving summonses and warrants in unspecified actions but, again, they did not all necessarily concern criminal law enforcement. At most therefore,

¹⁰⁸ Berkhamsted, Constables’ Book.

¹⁰⁹ William Fordham’s account 1795-1796, Berkhamsted, Constables’ Book. On the dog tax, Ingrid H. Tague, ‘Eighteenth-Century English Debates on a Dog Tax’, *Historical Journal*, Vol.51, No.4, (2008).

¹¹⁰ Berkhamsted, Constables’ Book.

¹¹¹ Most accounts named the person arrested, but not the reason, Berkhamsted, Constables’ Book.

approximately seventeen per cent of constables' duties in Table 7.1 involved contact with inhabitants when preventing disturbances or dealing with crimes and disputes. Additionally, constables perhaps punished offenders informally, or mediated in quarrels, but these actions are not reflected in the accounts, and must remain unquantified. Table 7.1 further shows that parishes funded many of constables' county administration responsibilities, including militia duties, attending upon high constables, and court appearances. Additionally, the accounts recorded Berkhamsted's constables project-managing parish works, and orchestrating local controls or policies, sometimes on their own initiative and at their own expense.

Walter King considered seventeenth-century constables' extensive responsibilities for presenting offenders to the court leet, including those guilty of assaults, profanity, trespass and bastardy, but the leet's trial function declined and Hertfordshire's eighteenth-century constables had few remaining manorial duties.¹¹² Table 7.1 shows Berkhamsted's constables made lists of manorial tenants for return to the court leet in thirty-two of the fifty-two years from 1747 to 1799, the last made in 1794.¹¹³ This demonstrates the continuing importance of manors in eighteenth-century local administration, and is further shown by Berkhamsted's court leet amercing the headborough of Wigginton, Hertfordshire, for not returning his list in 1746.¹¹⁴ Price found that eighteenth-century constables' manorial duties in Wigginton, Oxfordshire, including maintaining field boundaries, unblocking watercourses and clearing snow.¹¹⁵ As well as making formal presentments of infrastructure problems to justices, Hertfordshire's constables retained residual manorial responsibilities for overseeing local repairs. For instance, Bovingdon's

¹¹² King, 'Leet Jurors'.

¹¹³ Berkhamsted, Constables' Book.

¹¹⁴ Berkhamsted MCB 1746-1759.

¹¹⁵ Price, ed., *Wigginton*.

constable paid for bridge repairs and posts along a causeway in 1762.¹¹⁶ In the 1740s and 1750s, constables regularly organised maintenance on Berkhamsted's bridges and ponds, but Justice Noyes in 1761 ordered that constables should not undertake new works without vestry approval or justices' orders.¹¹⁷ This indicates that constables had previously ordered the work on their own initiative, perhaps as part of earlier manorial responsibilities to maintain local services. Berkhamsted's constables not only organised the work, they also paid for it in the short term. Many of the thirty-nine entries in Table 7.1 for 'paying bills' related to constables paying workmen or buying materials, including a load of gravel in 1790.¹¹⁸ Berkhamsted's constables also bought workmen's food and beer until miserly Justice Noyes also put a stop to this in 1766.¹¹⁹

Similar duties allowed one constable to falsify his expenses. The annual accounts of Hemel Hempstead's Constable Godfrey in 1733 claimed for planting posts along a footpath, but Godfrey demanded money for more posts than he had set. Hemel vestry resolved that serving Constable Hooton should prosecute Godbey, so Hooton paid two carpenters to survey the path and carry out remedial works. Hooton then countersigned a vestry order that fined Godbey, rather than commencing formal proceedings, showing readiness to mediate, not prosecute. Hemel vestry apparently had a contentious relationship with their leet-appointed constables because the vestry also resolved in October 1736 that 'Ralph Rotheram the last years constable be indicted at the next quarter sessions' for an unspecified offence.¹²⁰

Table 7.1 shows that Berkhamsted's constables carried out numerous other duties concerned with collecting and disseminating information, fulfilling statutory

¹¹⁶ Bovingdon VMB.

¹¹⁷ Berkhamsted, Constables' Book.

¹¹⁸ William Austin's account 1790-1791, Berkhamsted, Constables' Book.

¹¹⁹ Berkhamsted, Constables' Book.

¹²⁰ Godbey paid a guinea to poor families, Hemel VM 1732-1742.

Table 7.1: Duties in the Berkhamsted Constables' Book, 1747-1799

<i>County Administration</i>		<i>Parish Administration</i>	
Meeting high constables	315	Ratemaking	118
Militia duties	209	Surveyors' election	103
Land, window and Kings Taxes	73	Paying bills	39
Jury lists or orders	71	Unspecified business	36
Pressing/ quartering soldiers	66	Convening vestries	27
Weights and measures	65	Infrastructure repairs	20
Licensing	58	Overseers' business	19
Vagrancy (excluding relieving)	40	Disseminating information	8
Proclamations	16	Miscellaneous	11
Attending whippings	9		381
Miscellaneous	4	<i>Pauper Administration</i>	
Sunday trading notices	3	Relief and sickness	17
Invasion preparations in 1797	3	Bastardy	10
Attending sheriff	1	Settlement and removal	10
	933	Forced marriages	6
<i>Judicial Administration</i>		Miscellaneous	6
Attending (petty) sessions	200		49
Attending Rotation after 1782	133	<i>Peacekeeping and Crime-fighting</i>	
Summonses (unspecified)	117	Watching and warding	127
Warrants (unspecified)	46	Arrests	90
Attending upon justices	28	Searches	8
Arranging coroner	9	Riots	4
Assize presentments	2	Detention	4
Attending quarter sessions	1	Paying assistants	2
Precept	1	Hue and cry	1
	537	Seizing goods	1
<i>Miscellaneous</i>			237
Expenses of office including oaths and equipment	208	<i>Manorial</i>	
		Making lists of tenants	32
		Staking field boundaries	2
Journeys (unspecified purpose)	4		34
Unidentified entries	5	Total entries 1747-1799 2,388	
	217		

Sources: Berkhamsted, Constables' Book 1747-1819, DACHT

requirements and instituting local policies. Berkhamsted constables' accounts contained thirty-six claims for parish meetings on unspecified business but, as shown on the Hierarchy Diagram in Appendix 2, they also supervised the election of parish officers. Statute required constables to arrange the appointment of overseers and surveyors, signalling their importance to local administration.¹²¹ Therfield's Constable Groom in 1770 reacted to his high constables' precept and gave notice to inhabitants to assemble in church to make a list of ten persons qualified to serve as surveyors. Groom took the list to justices, and the high constable's precept also required Groom to notify the nominees.¹²² Each Easter justices issued further precepts to high constables requiring petty constables to make lists of 'substantial householders' to serve as overseers, and Table 7.1 shows Berkhamsted's constables regularly charging for convening the appropriate vestries and undertaking overseers' business.¹²³ Therfield's Constable Hale in 1771 charged a shilling for a journey to Royston with the new overseers, and an extra three shillings for their duplicate paperwork. Therfield's constable also accompanied overseers to justices to swear to their accounts in 1797.¹²⁴

Berkhamsted's constables claimed for sixteen 'proclamations' in Table 7.1, most of which they 'attended', presumably to hear instructions read out. One publicised the accession of George III, but the rest had no specified purpose, although five were on unknown dates in 1783, and perhaps concerned Hertford Quarter Sessions justices' local government reforms.¹²⁵ Constable Loader had built notice boards in 1786 to display vagrancy orders and statutes, and Constable Holliman had

¹²¹ Burn, *Justice*, 1758, Vol.II, pp.148-149.

¹²² Therfield, Constable's Order for Election of Surveyors, 1770, D/P107/22/1.

¹²³ Burn, *Justice*, 1758, Vol.III, p.8.

¹²⁴ Therfield, Constables.

¹²⁵ Berkhamsted, Constables' Book.

them painted the following year.¹²⁶ These would perhaps have displayed the three notices against Sunday trading in Table 7.1 issued in the 1780s and the regulations on dogs discussed above.

With the exception of the dog tax in Berkhamsted in 1796, eighteenth-century constables' accounts do not show them collecting taxes levied by central government, unlike their seventeenth-century counterparts.¹²⁷ Instead, the seventy-three entries in Table 7.1 for land, window and 'Kings' tax involved Berkhamsted's constables in serving summonses and warrants for the tax assessors from 1759 to 1799. However, Berkhamsted's constables assisted parish officers to collect local rates by making lists of those in arrears, serving summonses on non-payers, and arranging vestries where constables in their private capacity occasionally countersigned the poor and church rates orders themselves.

One of all constables' annual administrative duties involved ensuring publicans held proper licences. Kent found seventeenth-century constables presented numerous unlicensed landlords to justices, but this research found only two cases in Hertford Quarter Sessions' summaries for 1752 to 1799.¹²⁸ This may have been because justices from 1729 held *Brewster* sessions in every petty sessions division each September to issue licences.¹²⁹ Burn's 1758 justices' manual directed magistrate to issue precepts to high constables ten days' beforehand, but Barnet's justices in 1797 gave their high constables five weeks' notice, and ordered them to issue 'warrants' to petty constables to prepare lists of licensees.¹³⁰ Acting upon a similar notice in 1753, Therfield's Constable Pain made a journey around the parish

¹²⁶ Thomas Holliman's account 1787-1788, Berkhamsted, Constables' Book.

¹²⁷ Kent, *Village Constable*, pp. 153-174.

¹²⁸ Kent, *Village Constable*, p.190; *HCR*, Vol.VIII.

¹²⁹ On Brewster sessions, Lemmings, *Law and Government*; Webb and Webb, *Parish*, pp.396-400.

¹³⁰ Burn, *Justice*, 1758, Vol.I, p.25; Barnet PS.1 1796-7.

‘giving Notice to ye Vitelars to renew their Licence’.¹³¹ Therfield’s constables only travelled three miles to Royston’s Brewster sessions, but Harpenden’s constables attended Berkhamsted’s ten miles away, evidencing considerable time out of constables’ working days.¹³² However, this regular task could be planned for, time set aside, and the lists perhaps made outside constables’ working hours.

At the Brewster sessions, licensees entered into recognizances to keep good order, and produced two personal sureties.¹³³ Hertfordshire’s constables sometimes acted as these guarantors. Tailor-constable William Hedger of Northaw stood surety at Barnet’s 1752 Brewster sessions for John Chappell at *The White Horse*, Jane Dolling at *The Crow*, John Stevens at *The Sun* and Rebecca Gurney at *The Crown* in nearby Elstree. Ridge’s husbandman-constable also guaranteed *The Half Moon*, *The Cross Oak*, and a fellow husbandman at *The Guinea*.¹³⁴ Constables consequently used their personal and official standing to guarantee good order in pubs, but did so without reflecting these peacekeeping measures in their accounts.

Victualler Richard Doubleday served as Chipping Barnet’s constable from 1748 to 1770. At the 1750 Brewster sessions, justices confirmed the licence of Doubleday’s own pub, his sureties being Humphrey Buckle (Doubleday’s co-constable in 1754) and the virtuous Edward Mounslow (East Barnet’s future constable and parish clerk).¹³⁵ Doubleday immediately stood surety for Buckle’s pub, and two others in Barnet. In 1751, Doubleday pledged a £10 surety for each of eleven publicans, including three in nearby Ridge and one in Elstree. Former and future constables acted as Doubleday’s own recognizances that year, although he now

¹³¹ Stephen Pain’s account 1753-1754, Therfield, Constables.

¹³² Including, Ralph Andrew’s account 1763-1764, Therfield, Constables; Harpenden, Freeman’s Account 1783-1784.

¹³³ Burn, *Justice*, 1758, Vol.I, p.26.

¹³⁴ Barnet PS.2 1750-64.

¹³⁵ Barnet PS.2 1750-64. On Mounslow, see Chapter Four

owned two pubs. By 1752, he had three pubs and pledged for nine others in the area. Quarter sessions' justices had sanctioned Doubleday in the 1750s for fraudulent vagrancy claims but he remained a licensee until his death in 1770, stood surety for *The Red Lyon* in 1763 and ran the workhouse after 1760.¹³⁶ Whilst seemingly not the most honest of men, the townsmen and justices apparently accepted Doubleday's ability to supervise licensees, guarantee order in pubs (even in other parishes), and control the poor.

Hertfordshire's constables also took action against disorderly and unlicensed alehouses. Ashwell's 1731 constables presented John Wilson to Hertford Quarter Sessions for selling beer without a licence, but their annual accounts to the parish did not record the expenses of presenting Wilson, nor of attending court.¹³⁷ This meant that constables very likely dealt with more troublemakers, both formally and informally, than is apparent from their accounts. Cheshunt's constable presented one unlicensed alehouse to justices only six days after entering office in 1754, the justices convicting on the constable's oath alone.¹³⁸ When making their 1783 local government reforms, Hertford's justices ordered constables to patrol pubs frequently, have them closed by nine in the winter and ten in the summer, and to prohibit gaming or Sunday tipping.¹³⁹ There is no evidence of constables' increased activity in this regard, but they certainly continued acting as sureties for publicans into the later-eighteenth century. Cashio's high constable, John Carrington, recorded attending St Albans' 1798 Brewster sessions where 'I answered for Mrs Derds Bramfied & paid her Licens...Burges Constable Stood bound with me'.¹⁴⁰

Part of alehouse regulation involved ensuring licensees used the correct

¹³⁶ Licencing records intermittent after 1760, Barnet PS.2 1750-64; Barnet PS.3 1765-73.

¹³⁷ HCR, Vol.VII, p.232; Ashwell Constables' Accounts.

¹³⁸ 10th June 1754, Summary Convictions 1746-1779.

¹³⁹ HCR, Vol.VIII, p.312.

¹⁴⁰ Johnson, ed., *Memorandums*, p.33.

measures, and this accounted for sixty-five of Berkhamsted constables' duties in Table 7.1. Regulating weights and measures had originally been the manorial aleconner's function, and Hertfordshire's examined courts leet still presented a handful of cases annually. Kent found seventeenth-century constables regularly travelling to have their standard weights and measures checked by the clerk of the market, but the first reference in Berkhamsted's accounts to constables conducting weights and measures inspections came after the *False Weights and Scales Act* 1770.¹⁴¹ Burn's 1776 justices' manual did not reference this act, but outlined constables' responsibilities to search out false weights, destroy them and present offenders to justices.¹⁴² Constables thus had discretion to take immediate action against unlawful trading practices.

Berkhamsted's weaver-constable, Daniel Flaxman, paid eight shillings in 1772 for 'New Weights and Scales' and 5s. 6d. to 'Couzens for ye Stamp', and he and his co-constable charged the parish for examining weights and measures twice.¹⁴³ Flaxman bought this new equipment on behalf of the vestry, which reimbursed him when he left office. The following year's constables acknowledged receipt of various scales, wet and dry Winchester measures, and a 'Stamp to Stamp the Muggs'. They also charged for 'stamping the pots' of local traders.¹⁴⁴ The equipment must have been cumbersome because Constable Russell in 1785 'Gave a Boy for Driving ye Weights & Measures' sixpence, and the inspections resulted in five summonses.¹⁴⁵ Berkhamsted's constables unusually continued in these duties, even after

¹⁴¹ Kent, *Village Constable*, p.187. On the complexity of eighteenth-century measures, Julian Hoppit, 'Reforming Britain's Weights and Measures, 1660-1824', *English Historical Review*, Vol.108, No.426, (1993).

¹⁴² Richard Burn, *The Justice of the Peace and Parish Officer*, Vol.IV, (London: Printed by W. Strahan and M. Woodfall, 1776), pp.349-350.

¹⁴³ Daniel Flaxman's and John Wells' accounts 1771-1772, Berkhamsted, Constables' Book.

¹⁴⁴ John Wells' and John Fordham's account, 1772-1773, Berkhamsted, Constables' Book.

¹⁴⁵ Henry Russell's account 1775-1776, Berkhamsted, Constables' Book.

Hertfordshire appointed a salaried weights and measures inspector in 1796.¹⁴⁶

Accounts from sixteen other parishes did not record constables inspecting weights and measures. Sheldon *et al.* discussed the theatre of weights and measures inspections, which created the expectation that the authorities would remain vigilant to ensure traders did not defraud consumers.¹⁴⁷ This potentially placed Hertfordshire's middling constables at odds with their fellow merchants, or any trading officeholders they sanctioned, yet failing to enforce regulations could provoke protests similar to Hertfordshire's bread riots in 1790s. The above-mentioned success of Cheshunt leet's eighteen-month clampdown on trading offences in the 1780s could have been due to aleconners' unusually high status (all were noted as 'esquire' in leet records). They would likely have been less afraid than middling and labourer-constables of upsetting parishioners, making them potentially more effective.

Some final conclusions can be drawn from Berkhamsted constables' accounts, but again acknowledging that the accounts only contained the parish-based duties constables actually claimed for, not those funded by the county or prosecutors, nor any that were performed *gratis*. In Table 7.1, two-fifths of Berkhamsted constables' claims related to county administration, and these were dominated by petty constables' militia duties or meeting high constables to receive instructions and make reports. A quarter of duties involved judicial administration, mainly attending the petty sessions or Rotation, and actioning warrants or summonses. Parish and pauper administration together accounted for another fifth of constables' duties, and claims for arrest and crime-fighting, a tenth. In the latter, crime prevention through

¹⁴⁶ Accounts of 1798-1800, Berkhamsted, Constables' Book; *HCR*, Vol.VIII, pp.xxxviii.

¹⁴⁷ Richard Sheldon et al., 'Popular Protest and the Persistence of Customary Corn Measures: Resistance to the Winchester Bushel in the English West', in *Markets, Market Culture and Popular Protest in Eighteenth-Century Britain and Ireland*, ed. Adrian Randall and Andrew Charlesworth, (Liverpool: Liverpool University Press, 1996), p.41.

watching and warding predominated. Overall, around three-fifths of Berkhamsted constables' duties involved attending upon justices, carrying out their orders and implementing legislation. Constables experienced long-term stasis in their allowances for conveying vagrants, and the same can be said of fees paid by parishes. Berkhamsted's constables received a shilling for actioning a warrant and fourpence for a summons from 1747 to 1799, and their watching and warding fees remained at a shilling throughout, except for 1776 when they received two shillings. Berkhamsted's constables claimed four shillings for meeting their high constable before 1766, but the fee fell to 2s. 6d. from 1767 to 1769, perhaps under the influence of penny-pinching Justice Noyes. In other parishes, constables' fees for attending court varied slightly, depending upon their distance from petty sessions, but the amounts parishes paid constables did not generally increase across the eighteenth century. Constables thus needed to do more in order to be paid more.

The breadth of duties in Berkhamsted constables' accounts confirms Emsley's assertion that eighteenth-century *policing* was not limited to crime-fighting, but involved the general management of the community and welfare of its inhabitants.¹⁴⁸ Instead, constables were one of several officers who lent specific skills to pauper administration and community regulation, as well as acting as an essential liaison between justices and the parish. The overall impression gained of constables' local responsibilities from their annual accounts is that most had the same round of duties every year – jury lists, licensing, arranging overseers' selections – occasionally enlivened by a pauper removal or bastardy action. This does not mean that their routine parish duties were any less essential than their work tackling crime and vagrancy. Kent concluded that central government's effectiveness in the localities

¹⁴⁸ Emsley, *European Experiences*, pp.61–63.

rested upon parish initiatives, not just pressure exerted by higher officials.¹⁴⁹ It has been demonstrated here that constables were local officers, principal inhabitants and vestrymen who lay at the centre of local policy-making and their implementation. Constables were consequently key to the effective government of the eighteenth-century parish, and the efficient operation of county administration. Despite its troubles and dangers, the constableness may ultimately have been a very necessary and rewarding office.

¹⁴⁹ Kent, 'Centre', p.391.

Conclusion

Connection, Separation and Blurred Lines

Petty constables have, until now, largely been marginal characters in histories of eighteenth-century crime, vagrancy and local government. This study of rural constables' lives and activities sets them centre stage and broadens understanding on several aspects of judicial and local administration. Joan Kent redrew Wrightson's picture of reluctant, beleaguered village officers in asserting that Tudor and Stuart constables fulfilled their responsibilities diligently, with little evidence of neglect or misconduct, despite the pressures of office.¹ Furthermore, she concluded that these unpaid, untrained constables provided effective local administration, assisted by their neighbours.² This study shows how far her conclusions held true in eighteenth-century Hertfordshire.

The county had a successful agricultural economy, driven by the needs of nearby London, although constables from Hertfordshire's southern parishes dealt with the overspill of the capital's higher crime rates and social problems.³ London's proximity constrained Hertfordshire's urban growth so that three-quarters of parishes had fewer than a thousand inhabitants. Each of these parishes appointed at least one constable annually to act as agents of higher authority, as community representatives when reporting to higher authority, and as authority figures within the parish. These constables originated as manorial officers, but Kent asserted that Hertfordshire's

¹ Wrightson, 'Two Concepts', pp.21-22.

² Kent, *Village Constable*.

³ Chapters Five and Six.

manorial courts had largely ceased operating by the early seventeenth century.⁴ Notwithstanding this, and the widespread enclosure of common land that should also have weakened manorial structures, research found that a court leet jury of local residents continued appointing constables for two-thirds of Hertfordshire's parishes throughout the eighteenth century and beyond.⁵

Where courts leet failed, magistrates had power to appoint constables and Kent contended that Hertfordshire's were particularly 'aggressive' in doing so.⁶ This study questioned Kent's interpretation of her seventeenth-century sources and established that Hertfordshire's eighteenth-century justices relinquished responsibility for appointments to parish vestries. Constables' selection thus remained a matter for communities, not higher authorities. Additionally, most leet-appointed constables swore their oaths of office in manorial courts, not with justices, so they were not as closely bound to the county chain of command and subordinated to central government authority as Simpson and Kent contended.⁷

Constables retained a degree of administrative independence, but personal independence was considered a desirable attribute for prospective officers.⁸ Seventeenth-century practice manuals demanded that the 'better sort' of parishioner serve as constable, but the term 'middling sort' emerged during the eighteenth century as a means of social description for a broad and fluid middle section of society that included skilled, self-employed traders, retailers and manufacturers. Large-scale analysis of Hertfordshire constables' occupations confirmed that an average three-quarters of constables belonged to the middling sort, giving these men elevated social status within villages populated largely by agricultural labouring families. As a

⁴ Kent, 'Centre', p.382.

⁵ Chapters Two and Three.

⁶ Kent, 'Centre', pp.382-383.

⁷ Chapter Three. Simpson, 'Office', p.639; Kent, 'Centre', p.389.

⁸ Chapter Four on constables' personal qualities.

result, the majority of constables perhaps maintained a social and ideological separation from their poorer neighbours that commanded the respect of their social inferiors and made it easier to exert their authority.⁹ King and Kent contended that the social status of constables declined until a substantial proportion of the labouring poor served many Essex parishes in the later-eighteenth century.¹⁰ In Hertfordshire however, men's status altered little between 1730 and 1799, and labourers comprised a third, at most, of all serving constables.¹¹

Hertfordshire's constables were one of several officers, pooling their skills to maintain order and provide effective local administration. This collaboration featured particularly in their roles as county officers where research revealed an unexplored association between high constables of the hundred and petty constables from different parishes in a form of proto constabulary tasked with administration, preventing crime and subduing major disturbances. Analysis of constables' work in criminal law enforcement found that they also had extensive individual responsibilities, including a greater involvement in detecting and investigating crimes than previously thought, and a broad discretion in deciding whether offenders should be presented to magistrates.¹² This extended to vagrancy administration where constables were the principal officers responsible for deciding whether travellers were liable for arrest and they exercised extensive discretion in the laws' application.¹³ Constables were occasionally assaulted when making arrests but do not appear to have encountered the same levels of hostility, obstruction and ridicule that Wrightson found for the seventeenth century.¹⁴ This may have been because

⁹ Chapter Four on relative status.

¹⁰ King, *Crime, Justice*, pp.69-70; Kent, 'Rural Middling', p.19.

¹¹ See Chapter Four for analysis.

¹² Chapter Five.

¹³ Chapter Six.

¹⁴ Wrightson, 'Two Concepts'.

much of constables' work involved dealing with outsiders: vagrants, paupers from other parishes and residents whose repeated poor behaviour had placed them beyond communally accepted norms.

Examination of Hertfordshire constables' accounts found that the workloads in thoroughfare parishes increased in the later eighteenth century due to rising crime and vagrancy, frequently generated by London's escalating social problems.¹⁵ Eccles posited that constables on busy vagrancy routes remained in office longer to capitalise on the large fees and rewards, but this was not the case in Hertfordshire.¹⁶ Lengths of service in the busiest parishes fell after 1780, and vagrancy conveyance fees never increased after 1719, limiting any easy profits from office. Constables' fees for duties within their parishes also experienced long-term stasis, and the duties themselves rarely varied from year to year. Instead constables charged parishes for a range of routine, often mundane, tasks that were occasionally enlivened by a poor law action. The entries in these accounts reinforced Emsley's conclusions that early policing, or 'Polizei' had a much broader remit than crime-fighting: Hertfordshire's eighteenth-century constables were welfare officers, local administrators, mustering sergeants, logisticians and more.¹⁷ Hertfordshire's eighteenth-century petty constables were not low-status and put-upon, but generally conscientious, effective, committed officers who had greater operational independence and more authority than previously allowed. Far from standing on the bottom rung of local officeholding, research has shown that Hertfordshire's eighteenth-century constables should be reframed as the men who provided the supporting structure of judicial and local administration. Without them, much of it would have been unworkable.

Enquiry into the office of constable and its incumbents also enabled wider

¹⁵ Chapter Seven.

¹⁶ Eccles, *Vagrancy*, p.28.

¹⁷ Emsley, *European Experiences*, pp.61-63.

conclusions on eighteenth-century government, society and the exercise of authority. Local government grew in importance during the eighteenth century when central government institutions increasingly focussed upon waging war and funding it.¹⁸ Responsibility for domestic concerns – including welfare provision, keeping the peace and administering justice – therefore devolved largely upon the localities, dispersing the eighteenth-century state amongst an array of institutions and unpaid, untrained officers at county and parish level.¹⁹ Innes examined government structures and frameworks, and Parliament's continuing interest in crime and social problems, but mainly considered central government's interactions with the localities.²⁰ Her view of local government consequently had a largely *top-down* perspective, whereas the present study considered how institutions and officers functioned, cooperated and networked on the ground to provide local governance in a county of small towns.

Analysis of petty constables' positions in local authority networks began by identifying the institutions to which they belonged. The magistracy and parish vestry are widely acknowledged as the main institutions of government within counties, but research found that manorial courts leet also still provided important forums for broad participation in local governance. The six examined Hertfordshire leets no longer tried thefts and assaults from 1730 to 1799, although further research is required to ascertain whether this held true countywide, and whether Hertfordshire's magistrates perhaps heard all such cases by 1600 as King found in Essex.²¹ However, the courts had not entirely fallen into disuse by the mid seventeenth century, as Sharpe asserted.²² Hertfordshire's studied leets continued providing communities with a

¹⁸ Brewer, *Sinews*.

¹⁹ Brewer, 'Eighteenth-century British State', pp.54-55.

²⁰ Innes, *Inferior Politics*.

²¹ King, *Crime, Justice*, p.9.

²² Sharpe, *Crime...1550-1750*, p.83, p.89.

cost-effective means of seeking redress for nuisances and trading breaches, and Cheshunt's manorial prosecutions actually flourished during the 1780s.²³ For the poor receiving short measures from shopkeepers, or the farmers who found local roads unpassable, these public interest actions in manorial courts likely had as much impact as the individual prosecutions heard by magistrates. Hertfordshire leets' residual trial functions may be under-researched, but they were not inconsequential for the people who accessed them.

The county's eighteenth-century leets also retained key roles in appointing a range of officers to provide tailor-made regulation, a function they had fulfilled since the thirteenth century. Lemmings argued that the eighteenth century saw significant modifications in the structures and procedures of local authorities, adding that a 'dynamic and reciprocal, socially embedded state' of the sixteenth and seventeenth centuries relied upon widespread participation of ordinary people in judicial decision-making as constables, jurors, witnesses, litigants or even spectators in court. Active popular participation 'atrophied' during the eighteenth century, he asserted, jury trials declined in favour of summary justice, and professional, specialist, paid officers increasingly replaced lay people 'at the grass-roots and in key institutions'.²⁴ These findings cannot be entirely upheld in eighteenth-century Hertfordshire. Research found that Hertfordshire's eighteenth-century leets retained key roles in trying some minor offences, and also in appointing a range of officers to provide tailor-made regulation for two-thirds of parishes, functions they had fulfilled since the thirteenth century, demonstrating long-term stasis in these institutions. There was also widespread engagement with some judicial and administrative process. Manorial lords' insistence that most residents should attend courts leet meant that large sections

²³ Chapter Two.

²⁴ Lemmings, *Law and Government*, pp.1-11. Contrast King's more positive interpretation of the role of summary proceedings, King, *Crime, Justice*.

of the community still witnessed proceedings. Additionally, one or two dozen leet jurors drawn from the county's small towns and villages presented numerous new officers for appointment each year.²⁵ These key officials required inhabitants' support to fulfil their obligations, implying general approval of their selection and a tacit agreement to assist them. Vestries also met to discuss local issues and appoint officers, often convening in public buildings that again implied large audiences. Reluctance to enter office might suggest reduced engagement with government and the judiciary but Hertfordshire's constables usually served willingly, rarely engaged proxies and were never usurped by paid officials. Lemmings hypothesised that voluntary commitment to officers, institutions and processes embedded the state within seventeenth-century English society, and that people effectively 'invited the state in'.²⁶ Hertfordshire's evidence showed that they continued to do so in some respects and, from a constable's perspective at least, the county's residents retained close engagement with governmental processes.

Elements of the state machinery at local level have been studied and debated but this research into the office of constable clarified how the pieces connected and operated. It revealed a complex mutual reliance between institutions and their officers that cannot be explained fully by existing models of officeholding hierarchies. Eighteenth-century domestic government acquired legitimacy by allocating power to local elites: the gentry, clergymen and the newly wealthy on the bench, or smaller landowners, traders and ratepayers within parishes.²⁷ Hertfordshire's aristocracy and county gentry dominated both society and the judiciary in the early eighteenth century, but increasingly withdrew to their isolated

²⁵ Chapter Three.

²⁶ Lemmings, *Law and Government*, p.7, citing Braddick, *State Formation*, p.162; Hindle, *State and Social Change*, pp.15-16, pp.23-34. For discussion of 'county' and 'parish' gentry, see Chapter One, 'Eighteenth-Century Society'.

²⁷ Innes, 'Governing', p.103; Eastwood, *Governing*, p.264.

estates or London's attractions, leaving the parish-gentry, clergymen and the newly wealthy to fill the void on the bench. Hertfordshire's peers still acted as the *custos rotulorum* and lord lieutenant in the later eighteenth century, but the proportion of the nouveau riche and clergymen amongst the active justices grew.²⁸

The magistracy headed Hertfordshire's local authority hierarchy, and was identified by Eastwood as the pivotal institution of local government that mediated between the centre and localities, whilst enjoying extensive autonomy.²⁹ Justices also supervised parish vestries and this, Eastwood asserted, caused recurrent friction between vestrymen and the quarter sessions, enhanced by the suspicion that justices sought to emasculate vestries.³⁰ Conversely, King argued that magistrates remained distant from vestry operation, whilst the local squire and clergy 'rarely chose to exert themselves'.³¹ This study's perspective on the justice-parish relationship provided a third interpretation. As well as involvement in local government from the bench, Hertfordshire's justices extended their influence within parishes through their private identities as lords of the manor, landholders, vestrymen and clergymen.³² Within vestries, ratepaying resident justices and vicars helped select parish officers (and constables), countersigned overseers' poor law decisions, ratified constables' accounts and even prescribed the latter's parish-funded activities. Yet more wielded personal authority on workhouse committees, rented land to farmers, patronised local businesses and supervised their parish's infrastructure, agriculture and trading through their own manorial courts. Much of this involvement in parish management would have been impossible from the bench, meaning that justices' personal

²⁸ Chapter Two.

²⁹ Eastwood, *Governing*, p.2.

³⁰ Eastwood, *Governing*, pp.105-106, citing Mark Neuman, *Speenhamland County: Poverty and the Poor Laws in Berkshire 1782-1734*, (New York and London: Garland Publishing Inc, 1982), pp.113-114.

³¹ King, 'Decision-Makers', p.55, citing E. P. Thompson, 'Patrician Society, Plebeian Culture', *Journal of Social History*, Vol.7, No.4, (1974), p.388.

³² See the Hierarchy Diagram, Appendix 2.

connections and local standing augmented their already extensive judicial authority and broadened their magisterial jurisdiction.

These intricate connections between Hertfordshire's justices and their home parishes supported Goldie's contention that studies of formal officeholding rarely reveal how power was distributed and exercised.³³ They also addressed Brewer's questions surrounding the relationship between public authority and private power.³⁴ Hertfordshire's officeholders did not merely derive power from the office itself. Instead, authority also operated through, *inter alia*, patronage, deference, landlordship and employment, each of which, Goldie asserted, could permeate the institutions of communal self-government.³⁵ Hertfordshire's officers from all tiers of local government possessed a composite authority that often blurred the distinctions between officially conferred responsibilities and expectations, elevated social status and private interests. It therefore follows that justices had greater involvement in local institutions and issues than is perhaps apparent from surviving petty session records or justicing notebooks. As private citizens in parish-based institutions, justices acquired a close control over, for instance, pauper management, offending, and maintaining services, allowing them to resolve (or help make policies to tackle) problems before they escalated to court proceedings. Additionally, repeated local interactions gave constables and parish officers opportunities to seek magistrates' advice or raise issues outside petty sessions, possibly challenging Lemming's suggestion that failure to report matters in court evidenced Hertfordshire constables' increasing neglect. A broader perspective on justices' overlapping personal and judicial spheres would be useful in future research to present a more rounded picture of their influence and autonomy.

³³ Goldie, 'Unacknowledged Republic', p.173.

³⁴ Brewer, 'Eighteen-century British State', p.54.

³⁵ Goldie, 'Unacknowledged Republic', p.173.

Justices' personal involvement in parish management raises questions about their supposed detachment from communities. Landau, Davey and King discussed the change in justicing styles around the middle of the eighteenth century, whereby the paternal gentry-justice hearing cases in his parlour was superseded by the patrician gentleman-justice acting as a disinterested administrator and proto bureaucrat in formally convened courts. The former had deep-seated roots in his community whereas, they argued, patrician justices drawn from the clergy, minor gentry and 'parvenus' remained objective by distancing themselves from the people they ruled.³⁶ These findings did not translate into Hertfordshire on the present sample which carried an urban bias. Some justices maintained extensive interests in their home parishes or were enmeshed in its daily operation. They would have been familiar with its problems, worked alongside its officers and had wide personal knowledge about its inhabitants before encountering them in an official capacity. Although King contended that the clergy and newly wealthy were more likely to separate themselves from their communities, they were the most visible in Hertfordshire's examined parish and manorial records.³⁷ Kent concluded that the connections between parishes and the central state's representatives at *county* level were more dynamic and interactive than usually suggested.³⁸ Research here found that justices also maintained those strong links within the lowest institutions of local government.

Resident magistrates' involvement in parish management may account in part for its increasing formalisation during the eighteenth century. Vestries began meeting more regularly during the early eighteenth century or were proactive in enforcing laws and state policies, both of which strengthened the local power of the central

³⁶ Chapter Two.

³⁷ King, *Crime and Law*, p.36.

³⁸ Kent, 'Centre', p.402.

state.³⁹ Hertfordshire's proximity to London attracted the capital's financiers, company directors and merchants to settle in the county even before the commission of the peace broadened its criteria after mid-century to admit them as justices.⁴⁰ Such men perhaps lent their commercial skills to county administration and parish management, resulting in greater activity, more formal procedures and better record keeping throughout local government institutions.⁴¹ Furthermore, Landau found these patrician gentleman-justices preferred operating as a group, in contrast to paternal gentry-justices who acted alone as the 'local miniature of a sovereign'.⁴² This study has represented county and parish administration as a multi-stranded collaboration that sometimes circumvented official authority hierarchies and functioned best on cooperation and teamwork, not necessarily autocracy. Successful businessmen, used to consultation in boardrooms and corporate structures, may have embraced, or even driven, the collaborative nature of local governance found in Hertfordshire.

Eastwood concluded that social tensions between gentry magistrates and lowlier parish officers heightened friction between the quarter sessions and vestries.⁴³ However, Innes observed that active magistrates were not usually the 'cream of county society' and more likely to be a 'mixed bag' that included the clergy and manufacturers.⁴⁴ Hertfordshire had more gentleman-justices as the eighteenth century progressed and Davey's study of a successful farmer-turned-magistrate found him more attuned to the attitudes of the farming community and parish governors

³⁹ Kent, 'Centre', p.363, p.402.

⁴⁰ Chapter Two.

⁴¹ Clergymen were also required to document their parishes' activities thoroughly and many of the lesser gentry actively managed their own estates. See Chapter Six on Cheshunt's business-like approach to parish management.

⁴² Landau, *Justices*, p.359.

⁴³ Eastwood, *Governing*, pp.105-106.

⁴⁴ Innes, 'Governing', p.105.

than aligned with the landed gentry.⁴⁵ It would be very easy (and also incorrect) to overstate the amount of social cohesion and administrative harmony within parishes or local government, but the present research suggests that social divides within Hertfordshire's authority networks may not have been as pronounced, or as contentious, as Eastwood claimed. Wrightson drew distinctions between a person's *social identification* amongst a group of, say, neighbours, kin or worshipers, and *social differentiation* between, say, landlord and tenant, or rich and poor.⁴⁶ Furthermore, he concluded that parish governors allied themselves with magistrates and clergymen when enforcing standards of behaviour upon the poorer members of their communities.⁴⁷ Hertfordshire's vestrymen and principal inhabitants of all ranks may therefore have identified collectively as the governing elite and, whilst deference was undoubtedly afforded to resident justices, common aims and attitudes possibly moderated social differentiation between vestrymen. Given the interdependence of officials and institutions throughout the county's authority hierarchies, it is unlikely that this cooperation evaporated entirely as soon as resident magistrates took to the bench, making local governance less divisive than previously asserted.

The elevated social status of Hertfordshire's constables and parish officers may also have ameliorated any private and official interhierarchical conflicts. Central government's willingness to leave domestic problems to local governors resulted in increased participation by those outside the traditional ruling landed elite.⁴⁸ In particular, the 'middling sort' had important roles as principal inhabitants, officeholders and decision-makers in judicial processes, whilst their involvement in vestries, voluntary societies and the creation of new forms of governance contributed

⁴⁵ Davey and Wheeler, eds., *Country Justice*, p.7, p.33.

⁴⁶ Wrightson, 'Three Approaches', p.199.

⁴⁷ Wrightson, *English Society*, p.171, p.227.

⁴⁸ Lee Davison et al., eds., *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, (Stroud: Alan Sutton, 1992), pp.xiv-xv.

to the development of a strong state.⁴⁹ Research into the middling sort often focuses upon larger urban environments, whereas the present study considered small towns and rural villages and encountered added difficulties in delimiting the elusive middling group.⁵⁰ D'Cruze defined Colchester's urban middling sort as self-employed professionals, traders, retailers and manufacturers maintaining an independent business household, for whom public life and officeholding were aspirational and essential to acquiring social capital and creditworthiness. Men receiving wages, including labourers and servants, fell below her middling definition.⁵¹ Analysis of Hertfordshire constables' and parish officers' occupational titles confirmed that the middling sort dominated local office, but D'Cruze's urban definition required some qualification within this rural context.⁵² Even the county's relatively small towns contained a higher proportion of large businesses than might be found in the countryside, so urban areas generally presented more employment opportunities for skilled workers who could not work for themselves. Conversely, Hertfordshire's rural parishes might only accommodate one of each type of trader – for example, blacksmith, wheelwright or baker – meaning that any skilled man working in that village became self-employed by default. These rural traders conformed to D'Cruze's middling definition, even if they were the lone worker in, and sole occupant of, their business households, whereas a skilled employee earning more in a larger urban business would not. In circumstances where rural middling status was achieved through occupational necessity, not commercial enterprise, it must be questioned whether men can also be assumed to possess the urban middling virtues of independence, industry and a desire for self-improvement. As Kent

⁴⁹ Davison et al., eds., *Stilling*; Kent, 'Rural Middling'; Innes, *Inferior Politics*; King, *Crime, Justice*, p.359.

⁵⁰ On difficulties in delineation, Chapter One, 'Eighteenth-Century Society'.

⁵¹ D'Cruze, 'Middling...Colchester', pp.181-184, p.196.

⁵² Chapter Four.

recommended, determinants of rural middling status cannot be socio-economic alone because middling men outside towns were more clearly defined by their public roles and local standing than their wealth.⁵³ Hertfordshire's farmers, traders and small-scale business owners in rural parishes certainly had elevated social status amongst the largely labouring populations, and officeholding confirmed their positions as village elites.⁵⁴

King argued that the middling sort were at their most important in social administration because, in their capacities as parish officers, constables and vestrymen, they administered the poor and settlement laws.⁵⁵ In fact, D'Cruze asserted that involvement in local institutions formed an essential component of the 'middling social role' and that borough administration would have failed, or local autonomy have been jeopardised, without their activity.⁵⁶ However, research in Hertfordshire revealed that officeholding was not the middling sort's exclusive province. Middling men dominated local government, but up to a third of the county's constables were waged labourers or servants. These served both urban and rural parishes, meaning that labourers did not only hold office because there were insufficient middling men to take their place.⁵⁷ Historians argue that classical ideals of eighteenth-century local government placed men of property in office because their relative wealth implied greater honesty, commitment and natural authority.⁵⁸ Hertfordshire's labourer-constables perhaps lacked the education and economic substance of their middling neighbours, but their communities did not necessarily

⁵³ Kent, 'Rural Middling', pp.20-21.

⁵⁴ Chapter Four.

⁵⁵ King, 'Decision-Makers', p.54.

⁵⁶ D'Cruze, 'Middling...Colchester', pp.196-197, citing J. M. Triffitt, 'Politics and the Urban Community: Parliamentary Boroughs in the South West of England, 1710-1830', (PhD, University of Oxford, 1985).

⁵⁷ Chapter Four.

⁵⁸ Dodsworth, 'Civic', p.202, pp.207-208; Dodsworth, 'Masculinity', p.40; Braddick, *State Formation*, pp.34-35; French, *Middle Sort...Provincial England*, pp.90-91.

consider them devoid of middling virtues. Additionally, labourer-constables perhaps assumed middling qualities through collective action. Barry maintained that urban ‘males above the labouring class’ participated in many types of association, including local government, church and military training, and association reinforced commonly held middling values.⁵⁹ Hertfordshire’s rural labourers associated in these same forums alongside middling men, but also enjoyed the camaraderie (or shared the dangers) of policing the county. An active public life may have fulfilled middling ambitions, but a significant minority of similarly ambitious men in Hertfordshire were not the middling sort. Acting as a rural constable did not apparently depend upon conforming to a particular social rank, but upon adopting a commonly agreed institutional identity.

Hertfordshire’s labourers did not enjoy the middling sort’s elevated social status within parishes and its attendant implied authority, raising questions about how labourers exercised power and their ability to meet the demands of office. Officeholding itself conferred authority which was, in turn, underwritten by a community’s endorsement at selection and assistance throughout the year. Additionally, it cannot be assumed that labourers lacked local respect, social capital or willingness to serve and these must have weighed favourably alongside socio-economic factors when selectors chose their officers. Regarding their capabilities, this study found no correlation between lower occupational status and neglect of office: labourers demonstrated the same commitment and ability as their middling counterparts. In Hertfordshire’s local administration, *labourer* represented only an occupational classification, not a pejorative term that implied unsuitability for office. When considering who held and exercised power within small towns and villages, it

⁵⁹ Jonathan Barry, 'Bourgeois Collectivism? Urban Association and the Middling Sort', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, ed. Jonathan Barry and Christopher Brooks, (Basingstoke: Macmillan Press, 1994).

is necessary to look outside the middling sort. Again, adopting an institutional identity and set of values may have been more important to local governors than conforming to a social stereotype.

Finally, the practice of eighteenth-century local governance must be considered, particularly the making and administration of social policies. Lemmings concluded that the public expected central government to find legislative solutions for social problems, whereas Innes argued that social policy-making potentially allowed the involvement of ordinary people.⁶⁰ Notwithstanding this, she found few such initiatives, and that these were generated high up the social scale to operate in larger towns or at county level.⁶¹ Hertfordshire's magistrates certainly implemented local government reforms in 1783 that addressed licensing and vagrancy, and had a discernible effect upon how justices tackled rising crime.⁶² However, Davison *et al.* concluded that decision-making took place at multiple points below Westminster, and found initiative and innovation in local governance outside the ranks of the landed elite.⁶³ They positioned the urban middling sort as the main decision-makers, but Hertfordshire's came from a more diverse social pool, as discussed above. The county's local rulers at all levels of the authority hierarchy did not rely exclusively upon legislation when dealing with social issues but were proactive in resolving immediate problems in several ways. They used the central state as a resource, including the widespread adoption of permissive legislation to establish workhouses, or in implementing vagrancy and poor law statutes. More importantly, local officers alleviated problems by finding ways to circumvent the law, such as in obviating bastardy actions by forced marriages, or driving paupers across parish boundaries to

⁶⁰ Lemmings, *Law and Government*, pp.178-179; Innes, *Inferior Politics*, p.4.

⁶¹ Innes, *Inferior Politics*, p.5.

⁶² Chapter Five.

⁶³ Davison et al., eds., *Stilling*, p.xiv.

avoid supporting them.⁶⁴ In this, Hertfordshire's middling men and labourers exercised extensive discretion in making and executing effective social policies at the foundation layer of local government. Whilst magistrates may not have ordered such actions, they gave tacit approval within parishes, again demonstrating a unity of purpose in local administration from all ranks of vestrymen and residents. Similar practices were found across the county, revealing uniformity in local policy-making and indicating that such opportunities were not as limited or as rarefied as Innes suggested.

Some of Hertfordshire's results may not be applicable in other areas. All other counties bordering London experienced large population increases during the eighteenth century, but Hertfordshire retained the small towns and villages where participatory, community-based government functioned most effectively.⁶⁵ The same unity and cooperation might not be found in other counties near London, larger urban centres countrywide, or developing industrial areas whose populations increased so rapidly that community links could not be forged. However, fewer than a fifth of English parishes had over a thousand inhabitants in the later eighteenth century, so Hertfordshire's parishes could present a local government model for many communities where relationships remained immediate and personal.⁶⁶ Furthermore, King found a wide diffusion of similar justicing policies nationwide, engendered by the growth of civil society that gave magistrates from different counties opportunities to exchange ideas within voluntary associations, clubs and leisure facilities.⁶⁷ Hertfordshire's justices would have been aware of national trends, particularly given many men's London connections, and their exchange of views at the quarter sessions

⁶⁴ Chapter Seven.

⁶⁵ Chapter Two.

⁶⁶ Eastwood, *Governing*, pp.30-31.

⁶⁷ King, *Crime and Law*, pp.53-54.

would have influenced county policies. High constables then disseminated justices' standardised directions to petty constables to ensure consistent action countywide, and magistrates carried these common attitudes into their home parishes to sway vestrymen's actions. Below the magistracy, the literate middling sort gained knowledge of national concerns through the press and a burgeoning print culture, whilst many Hertfordshire farmers and traders would be well informed on London's news through their commercial links with the capital.⁶⁸ Furthermore, petty constables associated widely with their opposite numbers from other parishes at court, on vagrancy routes and at convivial gatherings. It is likely that ideas of best practice were shared within districts, if not countywide, suggesting that local administration was relatively homogenous, even if parishes were occasionally at odds.

King described the eighteenth century as the golden age of discretionary justice in which participants moved along a corridor of connected rooms towards resolution.⁶⁹ Discretion also suffused the operation of local government in eighteenth-century Hertfordshire, but its administration was often less linear and more polyarchic than the judiciary, despite an apparent chain of command between the magistracy and parishes. Instead, officers took a flexible approach to resolving immediate problems by using the most expedient method or institution available. Furthermore, many aspects of local government did not have the contested nature of judicial proceedings, but were collaborations in pursuit of common administrative, financial or social aims. Power within parishes was also distributed amongst a broader section of society than previously held. Hertfordshire's middling sort dominated administration, but labourers represented a sizeable minority of constables who were respected and instrumental in formulating and enforcing social policies,

⁶⁸ Davison et al., eds., *Stilling*, p.xxxv.

⁶⁹ King, *Crime, Justice*, p.1, p.355.

not merely impoverished, needy and objects of reform. Equally, the county's justices were sometimes highly invested in their own locale, where they deployed personal influence within parishes and manors.

What began as the study of an individual – the petty constable – has consequently ended as a discussion of connection and collaboration. Colley observed that, 'Identities are not like hats. Human beings can and do put on several at a time', and the same blurred lines characterised Hertfordshire's eighteenth-century local government.⁷⁰ The county's magistrates and inferior officers were bound together in networks of authority that linked the quarter and petty sessions, or parish and manor, but local governance occurred in the places where these official hierarchies intersected with spheres of personal interest. These connections sometimes bridged divides but also often made it impossible to determine whether official, personal, social or commercial authority were being exercised in matters of rural governance. This study of Hertfordshire's constables has consequently provided a broad perspective on eighteenth-century policing, local administration and institutions, social policy-making and society that augments existing studies and should inform future research.

⁷⁰ Colley, *Britons*, p.6.

Appendix 1

Parishes, Constables, Populations and Appointment Institutions

This table shows the study's 124 Hertfordshire parishes and hamlets, their populations in 1801, the number of constables appointed annually and the institutions where appointments took place. The given institution appointed constables every year from 1730 to 1799 unless the date of change is noted. Headboroughs were manorial officers, so references to them in primary sources suggest that the manorial court continued operating. Appointments are discussed in Chapter Three.

Parish or hamlet	1801 Pop'n	No. of cons	Where appointed	Sources indicating appointment institution
Abbots Langley	1205 ¹	2	Leet	Hertford Quarter Sessions' questionnaires on adopting the Rural Police Act 1839 showed leet still appointing constables in 1839. [Constabulary Questionnaires 1839]. ²
Albury	557	2	Unknown	
Aldbury	457	1	Leet	Part of the Honor (Manor) of Berkhamsted. See below.
Aldenham	1103	2	Justices in 1767	Quarter sessions justices nominated and appointed constable when 1767 court leet not held. ³ Unknown in all other years.
Anstey	387	1-2	Vestry	Vestry minutes. ⁴
Ardeley	484	1	Unknown	
Ashwell	715	2	Leet until at least 1741	Leet assumed because constables' accounting period began at Whitsuntide. ⁵ Unknown after 1741.
Aspenden	364	1	Vestry	Vestry minutes. ⁶
Aston	416	1	Vestry	Vestry minutes. ⁷
Ayot St Lawrence	115	1	Vestry after 1783	Vestry assumed because constable accounted at Easter. ⁸ Unknown before 1783.
Ayot St Peter	168	1	Vestry	Vestry minutes. ⁹

¹ All parish populations from BPP1831, *Population*, pp.115-117.

² Questionnaires to Magistrates on adopting the Rural Police Act 1839, QS/Cb/32, [hereafter, Constabulary Questionnaires 1839].

³ Constables' Appointments, QSMisc 2225-2227.

⁴ Anstey, Vestry Minutes 1719-1813, D/P5/8/1-2.

⁵ Ashwell Constables' Accounts.

⁶ Aspenden VM 1651-1831.

⁷ Aston VM.

⁸ Ayot St Lawrence, Overseers.

⁹ Ayot St Peter, Parish Accounts and Vestry Minutes 1685-1849, D/P11/8/1-2.

Parish or hamlet	1801 Pop'n	No. of cons	Where appointed	Sources indicating appointment venue
Baldock	1283	2	Vestry	Vestry minutes. ¹⁰
Barkway	699	1	Vestry in 1795	Vestry minutes for 1795. ¹¹ However, constable's account c.1775 charged expenses for attending Buntingford court leet, suggesting leet appointment. ¹²
Barley	494	2	Vestry	Vestry minutes record appointments until 1756, and assumed vestry appointment continued thereafter. ¹³
Bayford - hamlet	235	1	Vestry	Hamlet of Essendon. See below.
Bengeo	584	1-2	Vestry	Vestry minutes. Justices may have approved constables' final selection. ¹⁴
Benington	487	1	Leet until at least 1771	Extant court leet noted in Spencer's travel guide, 1771. ¹⁵
Berkhamsted	1690	2	Leet	Manor court book. ¹⁶
Bishops Stortford	2305	2	Leet	Leet assumed until 1830, after which vestry began appointing constables. ¹⁷
Bovingdon	779	1	Leet	Part of Hemel Hempstead Manor. See below.
Bramfield	192	1	Unknown	
Braughing	972	2	Leet until 1771	In 1771, justices appointed a constable when no leet had been held. ¹⁸ Unknown in all other years.
Brent Pelham	208	1	Unknown	
Broxbourne	371	1	Leet	<i>Gentleman's Magazine</i> 1808 reported leet being held. ¹⁹
Buckland	300	1	Unknown	
Buntingford /Layston	799	1	Unknown	

¹⁰ Baldock VMB.

¹¹ Barkway VM 1795.

¹² Possibly c.1775, Barkway Bills.

¹³ Barley, Vestry Minutes Book 1698-1768, D/P14/8/1.

¹⁴ Bengeo Overseers'.

¹⁵ Spencer, *Traveller*, 1771, p.253.

¹⁶ Berkhamsted Honor (Manor) Court Books, 4 vols., 1732-1790, DE/Ls/M12, M16-18.

¹⁷ 'Bishops Stortford', in *A History of the County of Hertford*, ed. William Page, Vol.III, (London: Victoria County History, 1912), pp.292-306.

¹⁸ Braughing, Constables 1730-1739; Constables' Appointments, QSMisc 2225-2227.

¹⁹ J. H. Wiffen, 'Broxbourne Church', *The Gentleman's Magazine*, (Vol.LXXVIII, Part One. London: 1808).

Parish or hamlet	Pop'n	No. of cons	Where appointed	Sources indicating appointment venue
Bushey	856	2	Leet	Constabulary Questionnaires 1839 refer to 'leet constables' appointments.
Bygrave	52	1	Unknown	
Caldecote	44	1	Unknown	
Cheshunt	3173	3	Leet	Manor court books. ²⁰
Chipping Barnet	1258	2	Leet	Manor court books. ²¹
Clothall	184	1	Unknown	
Codicote	384	1	Leet	Vestry minutes suggest the vestry appointed constables after 1784. However, the leet may have continued into the nineteenth century. ²²
Cottered	339	1	Unknown	
Datchworth	410	1	Leet	Leet assumed because the Constabulary Questionnaires 1839 mention appointment of a constable and headborough.
Digswell	178	2	Unknown	
East Barnet	353	1	Leet	Manor court books. ²³
Eastwick	153	1	Justices in 1767	Quarter sessions justices nominated and appointed a constable when 1767 court leet not held. ²⁴ Unknown in all other years.
Elstree	286	1	Leet	Leet assumed because the Constabulary Questionnaires 1839 mention appointment of a constable and headborough.
Essendon	545	1	Vestry	Vestry assumed. Vestry minutes recorded appointments 1732-1740 and constables' accounting period began at Easter in 1773-1797. ²⁵
Flamstead	1018	2	Unknown	
Furneux Pelham	529	1	Unknown	
Gilston	186	1	Unknown	
Graveley	260	1	Leet	Leet assumed because vestry minutes do not record constables' appointments. ²⁶

²⁰ Cheshunt Manor Court Books, 5 vols. 1718-1799.

²¹ Chipping Barnett and East Barnett Manor Court Books, 5 vols., 1745-1799.

²² Codicote, Vestry Minutes Book 1783-1815, D/P31/8/2; Peter Hale, *Noble & Splendid. Scandal, Honour and Duty: the Families of Kimpton Hoo*, (Kimpton History Group, 2008), p.7.

²³ Chipping Barnett and East Barnett Manor Court Books, 5 vols., 1745-1799.

²⁴ Constables' Appointments, QSMisc 2225-2227.

²⁵ Essendon, Rates Book 1655-1740, D/P37/8A/1; Essendon, Constables.

²⁶ Graveley, Vestry Minutes Book 1734-1829, D/P42/8/1.

Parish or hamlet	1801 Pop'n	No. of cons	Where appointed	Sources indicating appointment venue
Great Amwell	772	1	Leet until at least 1776	Vestry recommending new constable to the lord of the manor in 1776. ²⁷
Great Gaddesden	794	2	Unknown	
Great Hormead	467	1	Unknown	
Great Munden	396	1	Unknown	
Grt. Wymondley	200	1	Unknown	
Harpenden	1112	1	Leet	Confirmed by Constabulary Questionnaires 1839.
Hemel Hempstead	2722	3	Leet	Manor court books. ²⁸
Hertingfordbury	625	1	Unknown	
Hexton	239	1	Unknown	
Hinxworth	228	1	Unknown	
Hitchin	3161	2-4	Leet	Seebohm confirmed its leet appointed constables until at least 1819. ²⁹
Hoddesdon hamlet	1227	2	Leet	Hamlet of Broxbourne. See above.
Hunsdon	569	1	Unknown	
Ickleford	337	1	Unknown	
Ippollitts	464	1	Unknown	
Kelshall	179	1	Vestry	Vestry assumed. Constables' appointments recorded in churchwardens' accounts each Easter, 1730 to 1787 and after 1795. ³⁰
Kimpton	644	1	Unknown	
Kings Langley	970	2	Vestry	Leet failed in 1647 and 1648 and vestry asked justices to appoint constables. Assumed selected in vestry thereafter. ³¹
Kings Walden	727	1	Unknown	
Knebworth	187	1	Vestry	Vestry minutes. ³²
Letchworth	67	1	Unknown	
Lilley	315	1	Unknown	
Lt. Berkhamsted	314	1	Unknown	
Little Gaddesden	388	2	Leet	Confirmed by Constabulary Questionnaires 1839.
Little Hadham	485	2	Unknown	
Little Hormead	103	1	Unknown	

²⁷ Great Amwell VM.

²⁸ Hemel Hempstead Manor Court Books, 5 vols., 1732-1801, DE/Ls/M148, M160, M163-165.

²⁹ Frederic Seebohm, *The English Village Community*, (London: Longmans, Green, and Co., 1915), p.10 and Appendix 1; Hitchin *Militia Lists*.

³⁰ Kelshall, Churchwardens' Accounts 1691-1933, D/P60/5/1.

³¹ *HCR*, Vol.I, p.92.

³² Knebworth VM 1651-1785.

Parish or hamlet	1801 Pop'n	No. of cons	Where appointed	Sources indicating appointment venue
Little Munden	453	1	Unknown	Kent suggests constables 'may' have been chosen by the vestry in the seventeenth century. ³³
Lt. Wymondley	169	1	Unknown	
Meesden	122	1	Unknown	
Much Hadham	980	1	Leet	Schedule of officers for 1697-1796 lists constables, headboroughs and aleconners, indicating leet appointment. ³⁴
Newnham	72	1	Unknown	
North Mymms	838	2	Unknown	
Northaw	440	1	Leet	Constabulary Questionnaires 1839 confirmed appointment in 'court baron'.
Northchurch	735	2	Leet	Part of Berkhamsted Manor. See above.
Norton	248	1	Unknown	
Nuthampstead - hamlet	152	1	Unknown	Hamlet of Barkway. See above.
Offley	602	1	Unknown	
Pirton	481	2	Leet until at least 1767	Leet records do not survive beyond 1767. ³⁵
Puttenham	130	1	Unknown	No leet held between 1681 and 1684. Justices directed parish to choose another constable. ³⁶
Radwell	58	1	Unknown	
Ridge	266	1	Leet until at least 1772	Leet assumed because Barnet Petty Sessions swearing in headboroughs as well as constables. ³⁷
Reed	164	1	Unknown	
Rickmansworth	2975	5	Leet	Confirmed by Constabulary Questionnaires 1839.
Redbourn	1153	1	Leet	Confirmed by Constabulary Questionnaires 1839.
Rushden	284	1	Unknown	
Sacombe	255	1	Unknown	
Sandon	595	1	Unknown	
Sandridge	581	1	Unknown	

³³ Kent, *Village Constable*, pp.62-63.

³⁴ Much Hadham Churchwardens' Rate Book.

³⁵ Pirton Rectory Manor Draft Rolls 1656-1811.

³⁶ *HCR*, Vol.VI, p.383.

³⁷ Barnet PS.3 1765-73.

Parish or hamlet	1801 Pop'n	No. of cons	Where appointed	Sources indicating appointment venue
Sarratt	334	1	Unknown	
Sawbridgeworth	1687	2	Unknown	But leet not held between 1672 and 1679, or in 1685. ³⁸
Shenley	729	1	Unknown	
Shephall	120	1	Vestry from at least 1767	Vestry assumed because constables' accounting period began at Easter after 1708 and overseers' accounts record choosing a constable in 1767. ³⁹
St Pauls Walden	758	2	Leet	Leet being held until 1905. ⁴⁰
Standon	1846	2	Unknown	But leet not held in 1643. ⁴¹
Stanstead Abbots	861	1	Unknown	
Stanstead St Margarets	65	1	Unknown	
Stapleford	111	1	Unknown	
Stevenage	1254	2	Unknown	
Stocking Pelham	109	1	Leet until at least 1762	Leet assumed because <i>Militia Lists</i> record serving headborough in 1762. ⁴²
Tewin	494	1	Vestry	Vestry assumed because justices swore constables into office at Easter some years after 1716. ⁴³
Therfield	707	1	Leet	Appointed in the leet but chosen in the vestry. ⁴⁴
Thorley	269	1	Vestry	Vestry assumed because constables' appointments recorded in parish records 1730-1738. ⁴⁵
Throcking	65	1	Vestry	Appointments recorded in parish records. ⁴⁶
Thundridge	437	1	Unknown	
Totteridge	1503	1	Vestry and justices	Nominated by the vestry and appointed by justices 1703-1753. ⁴⁷
Tring	1621	3	Leet	Confirmed by Constabulary Questionnaires 1839.

³⁸ *HCR*, Vol.VI, p.318, p.391.

³⁹ Shephall, Overseers.

⁴⁰ 'St Paul's Walden', in *A History of the County of Hertford*, ed. William Page, Vol.II, (London: Online edition at www.british-history.ac.uk [accessed 18th September 2015], originally published by Victoria County History, 1908), pp.405-411.

⁴¹ *HCR*, Vol.V, p.323.

⁴² Stocking Pelham *Militia Lists*.

⁴³ *HCR*, Vol.VII; *HCR*, Vol.VIII.

⁴⁴ Therfield Manor Court Books, Vols. 3-5, 1738-1802, LMA MS14237; Therfield VM.

⁴⁵ Thorley Churchwardens.

⁴⁶ Throcking, Overseers' Accounts 1733-1822, D/P109/12/1.

⁴⁷ Totteridge VM.

Parish or hamlet	1801 Pop'n	No. of cons	Where appointed	Sources indicating appointment venue
Walkern	501	1	Unknown	
Wallington	224	1	Unknown	
Ware	2950	4	Leet	Leet assumed because headboroughs appointed in 1831. ⁴⁸
Watford	3530	5	Leet	Confirmed by Constabulary Questionnaires 1839.
Watton at Stone	600	1	Leet	Leet assumed because the Constabulary Questionnaires 1839 mention appointment of a constable and headborough.
Welwyn	1015	1	Vestry after 1742	Vestry minutes record constables' appointments after 1742 but headboroughs also recorded, which suggests leet appointment. In 1783, Welwyn vestry nominated prospective constables and headboroughs for appointment by justices. ⁴⁹
Westmill	328	1	Vestry and self-appointed	Vestry minutes record appointment of one constable for Westmill but <i>Militia Lists</i> show second (assumed self-appointed) constable in Wakeley hamlet 1761-1786. ⁵⁰
Weston	739	1	Vestry after 1764	Vestry minutes record constables' nominations after 1764. Unknown previously. ⁵¹
Wheathampstead	1043	1	Leet	Confirmed by Constabulary Questionnaires 1839.
Widford	361	1	Unknown	
Wigginton	330	1	Unknown	
Willian	176	1	Unknown	
Wormley	445	1	Leet in 1739	Constable, headborough and pindar presented to court leet in 1739. Unknown in all other years. ⁵²
Wyddial	181	1	Unknown	

⁴⁸ Samuel Lewis, *A Topographical Dictionary of England*, Vol.IV, (London: S. Lewis and Co., Third edition, 1831), p.386.

⁴⁹ Welwyn VM 1742-1763; Welwyn VM 1763-1784.

⁵⁰ Westmill VM; Westmill *Militia Lists*. See Chapter Three.

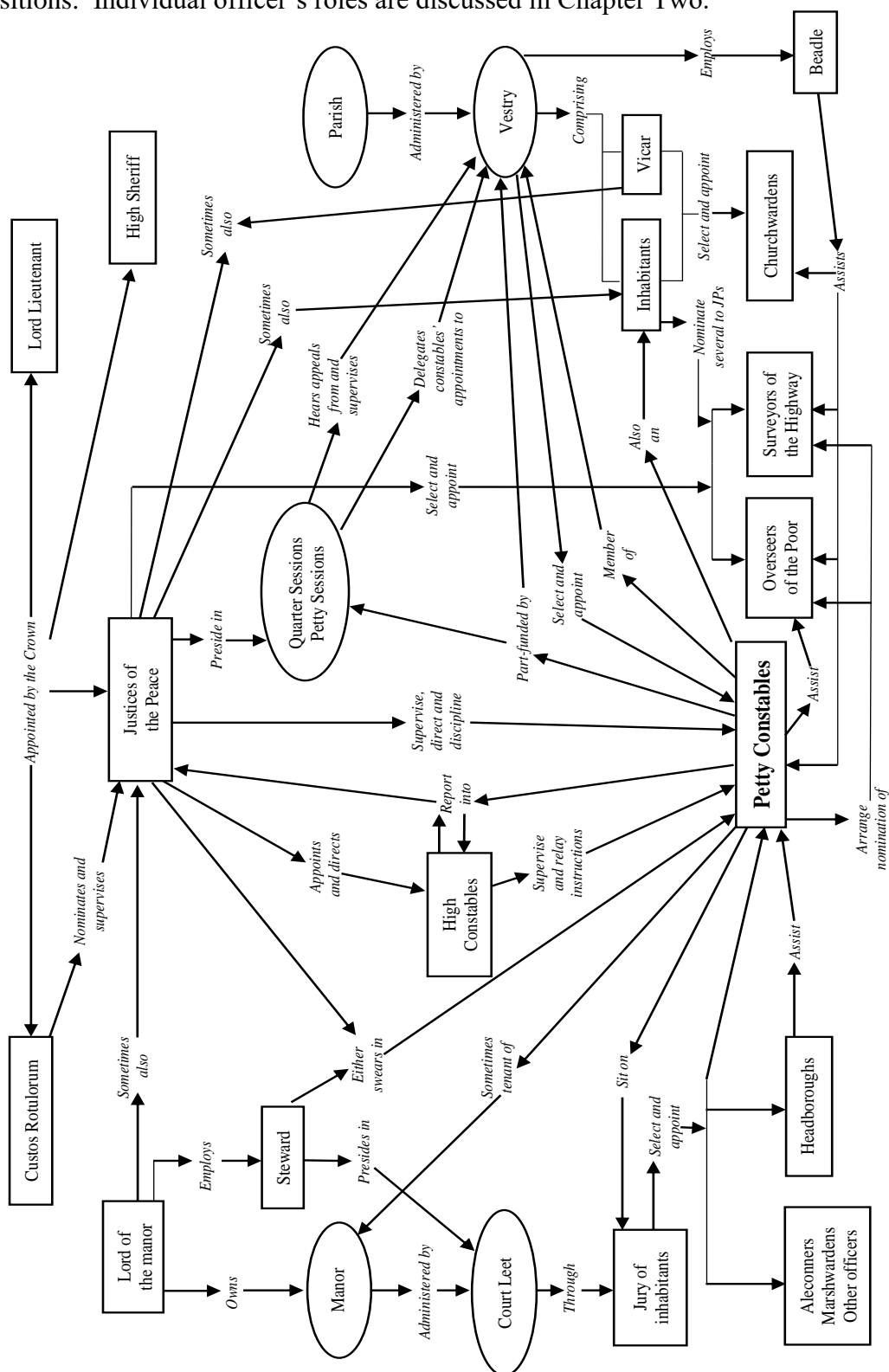
⁵¹ Weston VM 1764-1852.

⁵² 23rd June 1739 presentment, Wormley, Manorial Documents, Deeds and Papers, Townshead Family, DE/Bu/M1.

Appendix 2

Authority Hierarchies in Eighteenth-Century Hertfordshire

In this Hierarchy Diagram, institutions are in ovals, officeholders are in rectangles, and the administrative importance of each is represented broadly by their relative positions. Individual officer's roles are discussed in Chapter Two.



Source: © Elaine Saunders

Appendix 3

Constables' Occupations upon First Appointment, 1730-1799

Hertfordshire constables' occupations upon first taking office, showing the number pursuing each occupation and the proportion of countywide appointments this represented. Figures are firstly given for 1730 to 1799 and then for three shorter periods to reflect changes over time. Occupations are also organised according to their relative status, as discussed in Chapters One and Four.

<u>Higher-Status</u> <u>Middling</u> <u>Occupations</u>	<i>1730-1799</i> 1,193 Constables		<i>Period 1</i> 1730-1759 207 Constables		<i>Period 2</i> 1760-1779 684 Constables		<i>Period 3</i> 1780-1799 302 Constables	
	Constables Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed
<u>Cultivators</u>								
Yeoman	17	1.4	11	5.3	5	0.7	1	0.3
Farmer, Farmer's Son	178	14.9	27	13	114	17	37	12.3
Husbandman	2	0.2	1	0.5	1	0.2	--	--
Gardener (Market)	21	1.8	2	1	10	1.5	9	3
Totals	218	18.3	41	19.8	130	19	47	15.6
<u>Retail</u>								
Draper	2	0.2	--	--	2	0.3	--	--
Grocer, Shopkeeper, Chandler, Trader	49	4.1	9	4.4	23	3.4	17	5.6
Lace Man/ Merchant	2	0.2	1	0.5	1	0.2	--	--
Totals	53	4.4	10	4.8	26	3.8	17	5.6
<u>Luxury Goods</u>								
Cabinet Maker	1	0.1	--	--	--	--	1	0.3
Coachmaker	3	0.3	--	--	2	0.3	1	0.3
Totals	4	0.4	--	--	2	0.3	2	0.6
<u>Brewing & Malting</u>								
Brewer	2	0.2	--	--	2	0.3	--	--
Hop Merchant	1	0.1	--	--	1	0.2	--	--
Maltster, Malt Grinder	8	0.7	1	0.5	5	0.7	2	0.7
Totals	11	1	1	0.5	8	1.2	2	0.7
<u>Professions & Other</u>								
Esquire, Gentleman	5	0.4	2	1	--	--	3	1
Lawyer's Clerk	1	0.1	--	--	--	--	1	0.3
Pawnbroker	1	0.1	--	--	--	--	1	0.3
Schoolteacher	5	0.4	2	1	2	0.3	1	0.3
Surgeon	1	0.1	--	--	--	--	1	0.3
Totals	13	1.1	4	1.9	2	0.3	7	2.3

<u>Mid-Range Middling Occupations</u>	<u>1730-1799</u> 1,193 Constables		<u>Period 1</u> 1730-1759 207 Constables		<u>Period 2</u> 1760-1779 684 Constables		<u>Period 3</u> 1780-1799 302 Constables	
	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed
<u>Cloth & Clothing</u>								
Dyer	1	0.1	--	--	1	0.2	--	--
Spinner	1	0.1	--	--	--	--	1	0.3
Weaver	5	0.4	1	0.5	4	0.6	--	--
Woolcomber	4	0.3	--	--	3	0.4	1	0.3
Milliner	1	0.1	--	--	1	0.2	--	--
Staymaker	7	0.6	1	0.5	4	0.6	2	0.7
Tailor	39	3.3	8	3.9	20	2.9	11	3.6
Totals	58	4.9	10	4.8	33	4.8	15	5
<u>Food & Drink</u>								
Baker	42	3.5	4	1.9	21	3.1	17	5.6
Butcher, Tripeman	66	5.5	12	5.8	35	5.1	19	6.3
Flour Dresser	1	0.1	--	--	1	0.2	--	--
Mealman, Corn Factor	9	0.8	2	1	5	0.7	2	0.7
Miller	10	0.8	2	1	4	0.6	4	1.3
Victualler, Innkeeper	83	7	17	8.2	57	8.3	9	3
Totals	211	17.7	37	17.9	123	18	51	16.9
<u>Crafts</u>								
Barber, Hairdresser, Wigmaker	16	1.3	3	1.5	10	1.5	3	1
Basket Maker	1	0.1	--	--	--	--	1	0.3
Brazier	2	0.2	--	--	2	0.3	--	--
Cooper	6	0.5	1	0.5	3	0.4	2	0.7
Cutter	1	0.1	--	--	1	0.2	--	--
Edge Tool Maker	1	0.1	--	--	1	0.2	--	--
Gunsmith	2	0.2	--	--	1	0.2	1	0.3
Hurdle Maker	1	0.1	--	--	--	--	1	0.3
Ironmonger	1	0.1	--	--	1	0.2	--	--
Paper Maker	4	0.3	--	--	4	0.6	--	--
Pattern/ Patten Maker	1	0.1	--	--	1	0.2	--	--
Pipe Maker	1	0.1	--	--	--	--	1	0.3
Shovel Maker	1	0.1	--	--	1	0.2	--	--
Spoon Maker	2	0.2	--	--	1	0.2	1	0.3
Turner, Bowl Turner	7	0.6	2	1	4	0.6	1	0.3
Watch/ Clockmaker	8	0.7	2	1	5	0.7	1	0.3
Totals	55	4.6	8	3.9	35	5.1	12	4
<u>Transport</u>								
Carrier	2	0.2	--	--	1	0.2	1	0.3
Carter, Hay Carter	2	0.2	--	--	1	0.2	1	0.3
Waggoner	2	0.2	--	--	2	0.3	--	--
Totals	6	0.5	--	--	4	0.6	2	0.7

<u>Mid-Range Middling Occupations</u> (continued)	<u>1730-1799</u> 1,193 Constables		<u>Period 1</u> 1730-1759 207 Constables		<u>Period 2</u> 1760-1779 684 Constables		<u>Period 3</u> 1780-1799 302 Constables	
	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed
<u>Leatherworking</u>								
Breeches Maker	3	0.3	1	0.5	--	--	2	0.7
Glover	7	0.6	--	--	6	0.9	1	0.3
Saddler	3	0.3	1	0.5	1	0.2	1	0.3
Collarmaker	15	1.3	2	1	10	1.5	3	1
Currier	2	0.2	--	--	2	0.3	--	--
Fellmonger	5	0.4	1	0.5	1	0.2	3	1
Tanner	2	0.2	--	--	2	0.3	--	--
Totals	37	3.1	5	2.4	22	3.2	10	3.3

<u>Lower-Status Middling Occupations</u>	<u>1730-1799</u> 1,193 Constables		<u>Period 1</u> 1730-1759 207 Constables		<u>Period 2</u> 1760-1779 684 Constables		<u>Period 3</u> 1780-1799 302 Constables	
	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed
<u>Building</u>								
Bricklayer	21	1.8	2	1	10	1.5	9	3
Carpenter	67	5.6	14	6.8	40	5.9	13	4.3
Glazier	15	1.3	3	1.5	4	0.6	8	2.7
Mason	2	0.2	--	--	--	--	2	0.7
Master Builder	1	0.1	--	--	1	0.2	--	--
Master Surveyor	1	0.1	1	0.5	--	--	--	--
Millwright	2	0.2	--	--	1	0.2	1	0.3
Plumber	2	0.2	--	--	2	0.3	--	--
Sawyer	7	0.6	1	0.5	4	0.6	2	0.7
Thatcher	3	0.3	--	--	3	0.4	--	--
Totals	121	10.1	21	10.1	65	9.5	35	11.6
<u>Heavy Trades</u>								
Blacksmith, Farrier, Whitesmith	54	4.5	10	4.8	34	5	10	3.3
Wheelwright	33	2.8	6	3	18	2.7	9	2.8
Totals	87	7.3	16	7.7	52	7.6	19	6.3
<u>Shoemaking</u>								
Shoemaker	57	4.8	5	2.4	31	4.5	21	7
Cordwainer	25	2.1	3	1.5	11	1.6	11	3.6
Totals	82	6.9	8	3.9	42	6.1	32	10.6

<u>Workers Receiving Wages</u>	<i>1730-1799</i> 1,193 Constables		<i>Period 1</i> 1730-1759 207 Constables		<i>Period 2</i> 1760-1779 684 Constables		<i>Period 3</i> 1780-1799 302 Constables	
	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed	Cons Appointed	% All Cons Appointed
<u>Agricultural Workers</u>								
Dairyman	2	0.2	--	--	1	0.2	1	0.3
Ploughman	2	0.2	--	--	--	--	2	0.7
Shearman	1	0.1	--	--	--	--	1	0.3
Labourer, Agricultural Servant	224	18.8	44	21.3	134	19.6	46	15.2
Totals	229	19.2	44	21.3	135	19.7	50	16.6
<u>Servants</u>								
Domestic Servant	4	0.3	--	--	3	0.4	1	0.3
Servant in Trade	2	0.2	1	0.5	1	0.2	--	--
Gamekeeper	1	0.1	1	0.5	--	0.2	--	--
Woodward	1	0.1	--	--	1	0.2	--	--
Totals	8	0.7	2	1	5	0.7	1	0.3
Total Constables Appointed in Each Period	1730-1799		1730-1759		1760-1779		1780-1799	
	1,193		207		684		302	

Appendix 4

Constables' Occupations and Length of Service

The first column in each period shows the number of constable-years served by constables with that occupation, and the second shows the percentage of the total constable-years this represents. The number of individual constables in office appears in the third column, and the fourth gives the average service of each occupation.

	<u>Period 1</u> <u>1730-1759</u> 207 Constables 273 Years Served				<u>Period 2</u> <u>1760-1779</u> 684 Constables 1,628 Years Served				<u>Period 3</u> <u>1780-1799</u> 302 Constables 936 Years Served			
Higher-Status <u>Middling</u> <u>Occupations</u>	Yrs. served	% of 273 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 1628 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 936 yrs. served	No. of cons	Average yrs. served
<u>Cultivators</u>												
Yeoman	18	6.6	11	1.6	6	0.4	5	1.2	1	0.1	1	1
Farmer	34	12.5	27	1.3	276	17	114	2.4	113	12.1	37	3.1
Husbandman	1	0.4	1	1	1	0.1	1	1	--	--	--	--
Gardener	3	1.1	2	1.5	14	0.9	10	1.4	26	2.8	9	2.9
Totals	56	20.5	41	1.4	297	18.2	130	2.3	140	15	47	3
<u>Retail</u>												
Draper	--	--	--	--	2	0.1	2	1	--	--	--	--
Grocer, Chandler, Shopkeeper, Trader	9	3.3	9	1	42	2.6	23	1.8	38	4.1	17	2.2
Lace Merchant	1	0.4	1	1	2	0.1	1	2	--	--	--	--
Totals	10	3.7	10	1	46	2.8	26	1.8	38	4.1	17	2.2
<u>Luxury Goods</u>												
Cabinet Maker	--	--	--	--	--	--	--	--	1	0.1	1	1
Coachmaker	--	--	--	--	2	0.1	2	1	1	0.1	1	1
Totals	--	--	--	--	2	0.1	2	1	2	0.2	2	2
<u>Brewing & Malt</u>												
Brewer	--	--	--	--	2	0.1	2	1	--	--	--	--
Hop Merchant	--	--	--	--	1	0.1	1	1	--	--	--	--
Maltster, Malt Factor, Grinder	1	0.4	1	1	9	0.6	5	1.8	3	0.3	2	1.5
Totals	1	0.4	1	1	12	0.8	8	1.5	3	0.3	2	1.5
<u>Professions & Other</u>												
Esquire, Gent.	3	1.1	2	1.5	2	0.1	--	--	3	0.3	3	1
Lawyer's Clerk	--	--	--	--	--	--	--	--	3	0.3	1	3
Pawnbroker	--	--	--	--	--	--	--	--	1	0.1	1	1
Schoolteacher	2	0.7	2	1	3	0.2	2	1.5	1	0.1	1	1
Surgeon	--	--	--	--	--	--	--	--	1	0.1	1	1
Totals	5	1.8	4	1.3	5	0.3	2	1.7	9	1	7	1.3

<u>Mid-Range Middling Occupations</u>	<u>Period 1 1730-1759</u> 207 Constables 273 Years Served				<u>Period 2 1760-1779</u> 684 Constables 1,628 Years Served				<u>Period 3 1780-1799</u> 302 Constables 936 Years Served			
	Yrs. served	% of 273 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 1628 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 936 yrs. served	No. of cons	Average yrs. served
<u>Cloth & Clothing</u>												
Dyer	--	--	--	--	1	0.1	1	1	--	--	--	--
Spinner	--	--	--	--	--	--	--	--	3	0.3	1	3
Weaver	2	0.7	1	2	29	1.8	4	7.3	--	--	--	--
Woolcomber	--	--	--	--	4	0.3	3	1.3	1	0.1	1	1
Milliner	--	--	--	--	2	0.1	1	2	--	--	--	--
Staymaker	1	0.4	1	1	13	0.8	4	3.3	4	0.4	2	2
Tailor	19	7	8	2.4	90	5.5	20	4.5	28	3	11	2.6
Totals	22	8.1	10	2.2	139	8.5	33	4.2	36	3.9	15	2.4
<u>Food & Drink</u>												
Baker	4	1.5	4	1	31	1.9	21	1.5	33	3.5	17	1.9
Butcher, Tripe	14	5.1	12	1.2	54	3.3	35	1.5	50	5.3	19	2.6
Flour Dresser	--	--	--	--	1	0.1	1	1	--	--	--	--
Mealman, Factor	2	0.7	2	1	5	0.3	5	1	5	0.5	2	2.5
Miller	4	1.5	2	2	8	0.5	4	2	13	1.4	4	3.3
Victualler	37	13.6	17	2.2	105	6.5	57	1.8	39	4	9	4.3
Totals	61	22.3	37	1.7	204	12.5	123	1.7	140	15	51	2.8
<u>Crafts</u>												
Barber, Wigs	3	1.1	3	1	18	1.1	10	1.8	3	0.3	3	1
Basket Maker	--	--	--	--	--	--	--	--	1	0.1	1	1
Brazier	--	--	--	--	7	0.4	2	3.5	--	--	--	--
Cooper	1	0.4	1	1	5	0.3	3	1.7	2	0.2	2	1
Cutter	--	--	--	--	1	0.1	1	1	--	--	--	--
Edge Tool Maker	--	--	--	--	1	0.1	1	1	--	--	--	--
Gunsmith	--	--	--	--	1	0.1	1	1	1	0.1	1	1
Hurdle Maker	--	--	--	--	--	--	--	--	1	0.1	1	1
Ironmonger	--	--	--	--	1	0.1	1	1	--	--	--	--
Paper Maker	--	--	--	--	4	0.3	4	1	--	--	--	--
Pattern Maker	--	--	--	--	1	0.1	1	1	--	--	--	--
Pipe Maker	--	--	--	--	--	--	--	--	2	0.2	1	2
Shovel Maker	--	--	--	--	1	0.1	1	1	--	--	--	--
Spoon Maker	--	--	--	--	1	0.1	1	1	4	0.4	1	4
Bowl Maker	2	0.7	2	1	6	0.4	4	1.5	5	0.5	1	5
Watchmaker	2	0.7	2	1	6	0.4	5	1.2	1	0.1	1	1
Totals	8	2.9	8	1	53	3.3	35	1.5	20	2.1	12	1.7
<u>Transport</u>												
Carrier	--	--	--	--	1	0.1	1	1	1	0.1	1	1
(Hay) Carter	--	--	--	--	1	0.1	1	1	2	0.2	1	2
Waggoner	--	--	--	--	2	0.1	2	1	--	--	--	--
Totals	--	--	--	--	4	0.3	4	1	3	0.3	2	1.5

<u>Mid-Range Middling Occupations (Continued)</u>	<u>Period 1 1730-1759</u> 207 Constables 273 Years Served				<u>Period 2 1760-1779</u> 684 Constables 1,628 Years Served				<u>Period 3 1780-1799</u> 302 Constables 936 Years Served			
	Yrs. served	% of 273 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 1628 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 936 yrs. served	No. of cons	Average yrs. served
<u>Leatherworking</u>												
Breeches Maker	1	0.4	1	1	--	--	--	--	3	0.3	2	1.5
Glover	--	--	--	--	20	1.2	6	3.3	1	0.1	1	1
Saddler	1	0.4	1	1	2	0.1	1	2	2	0.2	1	2
Collarmaker	2	0.7	2	1	18	1.1	10	1.8	4	0.4	3	1.3
Currier	--	--	--	--	3	0.2	2	1.5	--	--	--	--
Fellmonger	1	0.4	1	1	3	0.2	1	3	3	0.3	3	1
Tanner	--	--	--	--	3	0.2	2	1.5	--	--	--	--
Totals	5	1.8	5	1	49	3	22	2.2	13	1.4	10	1.3

<u>Lower- Status Middling Occupations</u>	<u>Period 1 1730-1759</u> 207 Constables 273 Years Served				<u>Period 2 1760-1779</u> 684 Constables 1,628 Years Served				<u>Period 3 1780-1799</u> 302 Constables 936 Years Served			
	Yrs. served	% of 273 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 1628 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 936 yrs. served	No. of cons	Average yrs. served
<u>Building</u>												
Bricklayer	2	0.7	2	1	22	1.4	10	2.2	10	1.1	9	1.1
Carpenter	15	5.5	14	1.1	101	6.2	40	2.5	65	6.9	13	5
Glazier	3	1.1	3	1	7	0.4	4	1.8	12	1.3	8	1.5
Mason	--	--	--	--	--	--	--	--	2	0.2	2	1
Master Builder	--	--	--	--	1	0.1	1	1	--	--	--	--
Master Surveyor	1	0.4	1	1	--	--	--	--	--	--	--	--
Millwright	--	--	--	--	1	0.1	1	1	1	0.1	1	1
Plumber	--	--	--	--	2	0.1	2	1	--	--	--	--
Sawyer	1	0.4	1	1	12	0.7	4	3	7	0.8	2	3.5
Thatcher	--	--	--	--	3	0.2	3	1	--	--	--	--
Totals	22	8.1	21	1.1	149	9.2	65	2.3	97	10.4	35	2.8
<u>Heavy Trades</u>												
Black/white-smith, Farrier	12	4.4	10	1.2	98	6	34	2.9	37	4	10	3.7
Wheelwright	7	2.6	6	1.2	44	2.7	18	2.4	26	2.8	9	2.9
Totals	19	7	16	1.2	142	8.7	52	2.7	63	6.7	19	3.3
<u>Shoemaking</u>												
Shoemaker	5	1.8	5	1	62	3.8	31	2	49	5.2	21	2.3
Cordwainer	3	1.1	3	1	34	2.1	11	3.1	27	2.9	11	2.5
Totals	8	1.9	8	1	96	5.9	42	2.3	76	8.1	32	2.4

<u>Workers Receiving Wages</u>	<u>Period 1</u> <u>1730-1759</u> 207 Constables 273 Years Served				<u>Period 2</u> <u>1760-1779</u> 684 Constables 1,628 Years Served				<u>Period 3</u> <u>1780-1799</u> 302 Constables 936 Years Served			
	Yrs. served	% of 273 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 1628 yrs. served	No. of cons	Average yrs. served	Yrs. served	% of 936 yrs. served	No. of cons	Average yrs. served
<u>Agricultural Workers</u>												
Dairyman	--	--	--	--	1	0.1	1	1	1	0.1	1	1
Ploughman	--	--	--	--	--	--	--	--	2	0.2	2	1
Shearman	--	--	--	--	--	--	--	--	1	0.1	1	1
Labourer, Agricultural Servant	54	19.8	44	1.2	403	24.8	134	3	287	30.7	46	6.2
Totals	54	19.8	44	1.2	404	24.8	135	3	291	31.1	50	5.8
<u>Servants</u>												
Domestic Servant	--	--	--	--	13	0.8	3	4.3	5	0.5	1	5
Servant in Trade	1	0.4	1	1	2	0.1	1	2	--	--	--	--
Gamekeeper	1	0.4	1	1	4	0.3	--	--	--	--	--	--
Woodward	--	--	--	--	7	0.4	1	7	--	--	--	--
Totals	2	0.7	2	1	26	1.6	5	5.2	5	0.5	1	5
<u>Total Sample</u> <u>1730-1799</u> 2,837 years served 1,193 constables Average service 2.4 yrs.	<u>Period 1</u> <u>1730-1759</u> 273 years served 207 constables Average service 1.3 yrs.				<u>Period 2</u> <u>1760-1779</u> 1,628 years served 684 constables Average service 2.4 yrs.				<u>Period 3</u> <u>1780-1799</u> 936 years served 302 constables Average service 3.1 yrs.			

Manuscript Primary Sources - Hertfordshire

ARCHIVE

**Berkhamsted Local History and Museum Society, Dacorum Heritage Trust,
Berkhamsted - DACT**

Berkhamsted, Constables' Book 1747-1819, DACT:BK11535.

ARCHIVE

Hertfordshire Archives and Local Studies, Hertford - HALS.

Parish Records

Aldbury, Constables' Accounts 1795-1798 within Churchwardens' Accounts 1795-1823, D/P2/5/3.

Aldbury, Vestry Minutes Book 1702-1820, D/P2/8/1.

Anstey, Vestry Minutes 1719-1813, D/P5/8/1-2.

Anstey, Vestry Minutes Book 1719-1772, D/P5/8/1.

Ashwell, Constables' Accounts 1662-1741, D/P7/9/1.

Aspenden, Vestry Minutes Book 1651-1831, D/P8/8/1.

Aston, Vestry Minutes Book 1626-1837, D/P9/8/1.

Ayot St Lawrence, Account Book 1771-1806, D/P10/21/1.

Ayot St Lawrence, Overseers' Accounts 1783-1809 (including Constables' Accounts), D/P10/12/1.

Ayot St Peter, Constables' Accounts 1748-1779, D/P11/9/1.

Ayot St Peter, Parish Account Book 1685-1780, D/P11/8/1.

Ayot St Peter, Parish Accounts and Vestry Minutes 1685-1849, D/P11/8/1-2.

Baldock, Vestry Book 1635-1799, D/P12/8/1.

Barkway and Reed, parish survey by Reverend Thomas Bergus 1799, in Barkway Notes 1799-1825, D/P13/3/4.

Barkway, Bills and Vouchers, D/P13/8/3/1-47.

Barkway, Miscellaneous Papers 1675-1798, D/P13/18/1-2.

Barkway, Vestry Minutes 1795, D/P13/8/1.

Barley, Vestry Minutes Book 1698-1768, D/P14/8/1.

Bengeo, Overseers' Accounts (including Vestry Minutes) 1623-1791, D/P17/8/1.

Berkhamsted, Churchwardens' Accounts 1661-1892, D/P19/5/3-5.

Berkhamsted, Constables' Accounts 1677-1747, D/P19/9/1.

Bovingdon, Vestry Minutes Book 1733-1799, D/P47A/8/1.

Braughing, Churchwardens' Accounts 1730-1861, D/P23/5/1.

Braughing, Constables' Accounts 1730-1739 (within Churchwardens' Accounts 1730-1861), D/P23/5/1.

Cheshunt, Clement Barker, Constable's Account 1795-1796, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

Cheshunt, John Newell, Constable's Account, February-May 1785, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

Cheshunt, John Salmon, Constable's Account May-September 1793, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

Cheshunt, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20.

Cheshunt, Overseers' Accounts 1781-1808, D/P29/18/20.

Cheshunt, Settlement, Removal Orders and Examinations 1669-1821, D/P29/13/1-6

Cheshunt, Unnamed, Constable's Account 1790-1791, Miscellaneous Bills, Vouchers and Accounts, 18th-19th Century, D/P29/18/20/11C.

Cheshunt, Vestry Minutes 1731-1751, D/P29/8/1.

Cheshunt, Book of Orders 1752-1781, D/P29/8/49.

Cheshunt, Vestry Minutes 1781-1796, D/P29/8/50.

Chipping Barnet, Churchwardens' Account Book 1656-1760, D/P15/5/1.

Chipping Barnet, Churchwardens' Account Book 1762-1840, D/P15/5/2.

Chipping Barnet, Overseers' Accounts 1720-1744, D/P15/12/1.

Chipping Barnet, Overseers' Accounts 1745-1785, D/P15/12/2.

Chipping Barnet, Vestry Minutes 1765-1787, D/P15/8/1-2.

Codicote, Vestry Minutes Book 1783-1815, D/P31/8/2.

Essendon, Constables' Accounts 1770-1849, D/P37/9/1.

Essendon, Parish Defence Plans 1798 in 'Misc.', D/P37/10/2.

Essendon, Rates Book 1655-1740, D/P37/8A/1.

Graveley, Vestry Minutes Book 1734-1829, D/P42/8/1.

Great Amwell, Settlements 1765-1880, D/P4/13/1-3.

Great Amwell, Vestry Minutes 1749-1780, D/P4/8/1-2.

Harpenden, Jacob Latimore, Constable's Account 1742, D/EX98Z2.

Harpenden, Vestry Minutes 1747-1778, D/P122A/8/2.

Harpenden, William Freeman, Constable's Account 1783-1784, D/P122A/21/1.

Harpenden, William Freeman, Constable's Account 1784-1785, D/P122A/21/1.

Hemel Hempstead, Vestry Minutes Book 1732-1742, D/P47/8/1.

Hitchin, Constables' Rates (including accounts) 1719-1740, D/P53/9/3.

Kelshall, Churchwardens' Accounts 1691-1933, D/P60/5/1.

Kings Langley, Vestry Minutes Book 1723-1756, D/P64/8/2.

Knebworth, Vestry Minutes Book 1651-1785, D/P62/8/1.

Little Hornead, Registers of Baptism, Marriage and Burial 1679-1812, D/P56/1/2.

Much Hadham, Churchwardens' Rate Book, 1675-1796, D/P44/4/3.

Shephall, Overseers' Accounts 1702-1802, D/P100/12/1.

Shephall, Vestry, Constables, Misc 1703-1834, D/P100/8-9/1.

Therfield, Churchwardens', Overseers' and Surveyors' Bills, 1722-1834, D/P107/8/6.

Therfield, Constable's Order for Election of Surveyors, 1770, D/P107/22/1.

Therfield, Constables' Accounts 1700-1834, D/P107/9/1.

Therfield, Overseers' Vouchers 1690-1834, D/P107/12/1.

Therfield, Vestry Minutes 1721-1828, D/P107/8/1.

Therfield, Warrant for Hue and Cry, 3rd August 1735, Churchwardens' Accounts, in Baptisms and Burials Book, D/P107/22/1.

Thorley, Churchwardens' Accounts 1690-1796, D/P108/5/1.

Throcking, Overseers' Accounts 1733-1822, D/P109/12/1.

Totteridge, Vestry Minutes Book 1703-1753, D/P46B/8/1.

Tring, Vestry Minutes 1682-1746, D/P111/8/17.

Tring, Vestry Minutes 1746-1782, D/P111/8/18.

Walkern, *Jacob's Law Dictionary* 1744, in Miscellaneous, D/P114/29/13.

Welwyn, *Parish Officer's Pocket Companion* 1744, in Miscellaneous, D/P119/11/3.

Welwyn, Vestry Minutes Book 1742-1763, D/P119/8/3.

Welwyn, Vestry Minutes Book 1763-1784, D/P119/8/4.

Westmill, Vestry Minutes 1629-1831, D/P120/8/1.

Weston, Vestry Minutes Book 1764-1852, D/P121/8/2.

Manorial Records

Berkhamsted Honor (Manor) Court Book 1746-1759, DE/Ls/M16.

Cheshunt Manor Court Book Vol.2 1734-1759, UDC7/7/26.

Cheshunt Manor Court Book Vol.3 1760-1775, UDC7/7/26.

Cheshunt Manor Court Book Vol.4 1775-1789, UDC7/7/26.

Cheshunt Manor Court Book Vol.5 1789-1799, UDC7/7/26.

Cheshunt, Draft Aleconners' Oath, Minit Book of Courts Baron and Leet 1782-1792, UDC7/7/26.

Cheshunt, Draft Constables' Oath, Minit Book of Courts Baron and Leet 1782-1792, UDC7/7/26.

Cheshunt, Minit Book of Courts Baron and Leet 1782-1792, UDC7/7/26.

Hemel Hempstead Manor Court Book 1756-1771, DE/Ls/M160.

Hemel Hempstead Manor Court Book 1771-1782, DE/Ls/M163.

Pirton Rectory Manor Court Rolls, 48915-48943.

Pirton Rectory Manor, Draft Court Rolls and Miscellaneous Papers 1656-1811, 48843-49021.

Therfield, Rectory Manor Court Book 1695-1852, D/EX937/M6.

Wormley, Manorial Documents, Deeds and Papers, Townshead Family, DE/Bu/M1.

Gaol Books

St Albans Liberty, Gaol Book 1, Easter 1770 - Midsummer 1786, LSGB1.

St Albans Liberty, Gaol Book 2, Michaelmas 1786 - Michaelmas 1807, LSGB2.

Petty and Quarter Sessions Records

Account Book of County Treasurer for Vagrancy Payments and Receipts 1740, QSMisc B132(2).

Accounts for the Conveyance of Vagrants, Relief, etc. 1782-1792, QSMisc B132(3).

Accounts of Issues: Session Records, QSMisc 1731-1776.

Chipping Barnet and South Mimms, Petty Sessions Minute Book 1750-1764, PS/2/2/2.

Chipping Barnet, Petty Sessions Minute Book 1765-1773, PS/2/2/3.

Chipping Barnet, Petty Sessions Minute Book 1796-1797, PS/2/2/1.

Constables' Allowances for Passing Vagrants 1753, QSMisc B131(2).

Constables' Appointments, QSMisc 2225-2227.

[County] Vagrancy Accounts 1793-1795/6, QSMisc B132/4.

Hertford Quarter Sessions, Questionnaires to Magistrates on Adopting the Rural Police Act 1839, QS/Cb/32.

Original Summary Convictions 1746-1855, Bundle 1746-1779, QSC.

Original Summary Convictions 1746-1855, Bundle 1780-1810, QSC.

Warrants and Rewards for Apprehending Vagrants 1742-1821, QSMisc B134.

Manuscript Primary Sources - London

ARCHIVE

London Metropolitan Archives, London, EC1 - LMA.

Manorial Records

Chipping Barnett and East Barnett Manor, Minute Book, Vol.4 1745-1758, LMA MS767.

Chipping Barnett and East Barnett Manor, Minute Book, Vol.5 1759-1770, LMA MS767.

Chipping Barnett and East Barnett Manor, Minute Book, Vol.6 1770-1784, LMA MS767.

Chipping Barnett and East Barnett Manor, Minute Book, Vol.7 1784-1793, LMA MS767.

Chipping Barnett and East Barnett Manor, Minute Book, Vol.8 1794-1799, LMA MS767.

Therfield Manor Court Book, Vol.3 1738-1763, LMA MS14237.

Therfield Manor Court Book, Vol.4 1764-1776, LMA MS14237.

Therfield Manor Court Book, Vol.5 1796-1802, LMA MS14237.

Chipping Barnett and East Barnett Manor, Minute Book, Vol.3 1740-1744, LMA MS767.

ARCHIVE

The National Archives, Kew - TNA

Manuscripts

Buntingford. Letter dated 10th July 1795 from William Baker, enclosing note from nine parishes threatening bread price protests, TNA HO42/35/53 Folios 129-131.

Hoddesdon. Letter dated 11th July 1795 from Sir Abraham Hume on Hoddesdon farm workers' wage strikes, TNA HO42/35/58 Folios 141-142.

Sheffield. Letter dated 12th May 1794 from Rev. Russell of Dronfield to Henry Dundas on sedition, TNA HO42/30/20 Folios 52-53.

Published, Printed and Other Primary Sources

Quarter Sessions Reports

Hertfordshire County Records. *Notes and Extracts from the Sessions Rolls 1581-1698*. Vol.I. W. J. Hardy ed. Hertford: C. E. Longmore, 1905.

Hertfordshire County Records. *Notes and Extracts from the Sessions Rolls 1699-1850*. Vol.II. W. J. Hardy ed. Hertford: C. E. Longmore, 1905.

Hertfordshire County Records. *Notes and Extracts from the Sessions Records of the Liberty of St Albans Division. 1770-1840*. Vol.IV. William Le Hardy ed. Hertford: Charles E. Longmore, 1923.

Hertfordshire County Records. *Calendar to the Sessions Books...1619-1657*. Vol.V. William Le Hardy ed. Hertford: Charles E. Longmore, 1928.

Hertfordshire County Records. *Calendar to the Sessions Books...1658-1700*. Vol.VI. William Le Hardy ed. Hertford: Elton Longmore, 1930.

Hertfordshire County Records. *Calendar to the Sessions Books...1700-1752*. Vol.VII. William Le Hardy ed. Hertford: Elton Longmore, 1931.

Hertfordshire County Records. *Calendar to the Sessions Books...1752-1799*. Vol.VIII. William Le Hardy ed. Hertford: Elton Longmore, 1935.

Constables', Justices' and Other Practice Manuals

Anon., *The Duty of Constables*. Gloucester: 1790.

Bacon, Francis, *Office of Constables* 1610 [Reproduced in Giles Jacob, *Compleat Parish-Officer*, London: Sixth edition, 1731].

Barlow, Theodore, *The Justice of Peace: a Treatise Containing the Power and Duty of that Magistrate*. London: printed by Henry Lintot, 1745.

Brown, W., *The Duty and Office of High Constables of Hundreds, Petty Constables, Tythingmen, and such Inferior Ministers of the Peace...* London: 'First collected by Will. Lambard, in the Reign of Q. Elizabeth; and now enlarged', 1677.

Burn, Richard, *A Digest of the Militia Laws*. London: Printed by S. Richardson and C. Lintot, 1760.

Burn, Richard, *A Digest of the Militia Laws*. London: Printed for W. Strahan, 1779.

Burn, Richard, *The Justice of the Peace and Parish Officer*, Vol.I. London: Sixth edition, 1758.

Burn, Richard, *The Justice of the Peace and Parish Officer*, Vol.II. London: Sixth edition, 1758.

Burn, Richard, *The Justice of the Peace and Parish Officer*, Vol.III. London: Sixth edition, 1758.

Burn, Richard, *The Justice of the Peace and Parish Officer*, Vol.IV. London: Printed by W. Strahan and M. Woodfall, 1776.

Burn, Richard and Burn, John, *The Justice of the Peace and Parish Officer*, Vol.I. London: Printed by A. Strahan, Eighteenth edition, 1797.

Colquhoun, P., *A Treatise on the Functions and Duties of a Constable*. London: J. Mawman, 1803.

Colquhoun, Patrick, *A Treatise on the Police of the Metropolis*. London: C. Dilly, Second edition, 1796.

Fielding, Henry, *Treatise on the Office of Constable (completed and revised by John Fielding within Extracts from Such of the Penal Laws, as particularly relate to the Peace and Good Order of this Metropolis)*. London: 1762.

Gardiner, Robert, *The Compleat Constable*. London: Third edition, 1708.

Gardiner, Robert, *The Complete Constable*. London: Sixth edition, 1724.

Hallifax, Charles, *The Constable's Sure Guide; or Every Constable his own Lawyer*. London: Printed for S. Bladon, Second edition, 1791.

Jacob, Giles, *The Compleat Court-Keeper: or, Land-Steward's Assistant*. London: Third edition, 1724.

Jacob, Giles, *The Compleat Parish-Officer*. London: Sixth edition, 1731.

Jacob, Giles, *The Compleat Parish-Officer*. London: Eighth edition, 1738.

Lewis, Samuel, *A Topographical Dictionary of England*, Vol.IV. London: S. Lewis and Co., Third edition, 1831.

Nelson, William, *The Office and Authority of a Justice of Peace*. London: Tenth edition, 1729.

Paul, John, *The Compleat Constable*. London: 1785.

Ritson, J, *The Jurisdiction of the Courts Leet*. London: Second edition, 1809.

Ritson, Joseph, *A Digest of the Proceedings of the Court Leet of the Manor and Liberty of the Savoy*. Unknown: 1789.

Ritson, Joseph, *The Office of Constable*. London: Wheldon and Butterworth, 1791.

Scroggs, William, *The Practice of Courts-Leet and Courts-Baron*. London: Fourth edition, 1728.

Shaw, Joseph, *Parish Law: Or, a Guide to Justices of the Peace, Ministers, Churchwardens, Overseers of the Poor, Constables, Surveyors of the Highways, Vestry-Clerks, and all others concern'd in Parish Business*. London: Sixth edition, 1748.

Sheppard, William, *The Offices and Duties of Constables, Borsholders, Tything-men, Treasurers of the County-stock, Overseers for the Poore, and Other Lay-Ministers*. London: Printed by Ric. Hodgkinsonne, 1641.

Watson, William Henry, *A Practical Treatise on the Office of Sheriff*. London: Sweet, Maxwell & Son, Second edition, 1848.

Welch, Saunders, *Observations on the Office of Constable*. London: A. Millar, 1754.

Law Reports and Legal Commentaries

Coke, Edward, *The Eighth Part of the Reports of Sir Edward Coke...of Divers Resolutions and Judgments...*, Vol.VIII. London: originally published 1612 but reprinted by Nutt & Gosling, 1727.

Const, Francis, *The Laws Relating to the Poor*. London: J. Butterworth, Fifth edition, 1807.

Espinasse, Isaac, *Reports of Cases Argued and Ruled at Nisi Prius in the King's Bench and Common Pleas, 1793-1796*. London: Printed by A. Strahan, 1796.

Frankland, Thomas, *The Annals of King James and King Charles the First... 'A Commission to the Lords...for putting in Execution of the Laws and Statutes for Relief of the Poor...5th January 1630'*. London: 1681.

Petersdorff, Charles, *A Practical and Elementary Abridgment of the Cases Argued and Determined in the Courts of King's Bench, Common Pleas, Exchequer, and at Nisi Prius*, Vol.VI. New York: W. R. H. Treadway, 1830.

Pickering, Danby, *The Statutes at Large, Anno decimo octavo George III Regis*, Vol.XXXII. Part I. Cambridge: 1778.

Books

Aiken, John, *England Delineated; or, a Geographical Description of Every County in England and Wales*. London: Second edition, 1790.

Anon., *A List of the Stage-Coaches and Carriers, and the Places and Times they come in and go out*. London: 1710.

Anon., *A General Description of All Trades*. London: Printed for T. Waller, 1747.

Anon., *Rules and Orders for the Regulation of the Workhouse, of the Parish of Enfield*. London: 1787.

Anon., *A History of Leeds, Compiled from various Authors*. Leeds: c.1797.

Bailey, William, *Bailey's British Directory*. London: 1784.

Barfoot, Peter and Wilkes, John, *The Universal British Directory of Trade, Commerce, and Manufacture*, Vol.II. London: c.1790-1799.

- Barfoot, Peter and Wilkes, John, *The Universal British Directory of Trade, Commerce, and Manufacture*, Vol.III. London: c.1790-1799.
- Barfoot, Peter and Wilkes, John, *The Universal British Directory of Trade, Commerce, and Manufacture*, Vol.IV. London: c.1790-1799.
- Burn, Richard, *The History of the Poor Laws...* London: Printed for A. Millar, 1764.
- Campbell, R., *The London Tradesman*. London: 1747.
- Cooke, G. A., *Topography of Great Britain, or, British Traveller's Pocket Directory*, Vol.VIII. London: c.1820.
- Defoe, Daniel, *A Tour Thro' the Whole Island of Great Britain...* Vol.II. London: 1724.
- Defoe, Daniel, *Parochial Tyranny: or, the House-Keeper's Complaint...* London: c.1727.
- Dibdin, Charles, *Observations on a Tour Through Almost the Whole of England*. London: G. Goulding, c.1800.
- Eden, Frederick Morton, *The State of the Poor*, Vol.II. London: 1797.
- Ellis, William, *The Practical Farmer: or, the Hertfordshire Husbandman...* London: Fifth edition, 1759.
- Fuller, Thomas, *The Worthies of England*. 1662, abridged by John Freeman and republished London: George Allen & Unwin, 1952.
- Gough, Richard, *Human Nature Displayed in the History of Myddle*. London: written 1700 and reprinted, 1834.
- Mogg, Edward, *Paterson's Roads; Being an Entirely Original and Accurate Description of All the Direct and Principal Cross Roads in England and Wales...* London: Sixteenth edition, 1822.
- Salmon, Nathaniel, *The History of Hertfordshire*. London: 1728.
- Simpson, Samuel, *The Agreeable Historian, or the Compleat English Traveller*, Vol.II. London: 1746.
- Spencer, Nathaniel, *The Complete English Traveller*. London: 1771.
- Stonhouse, James, *Hints From a Minister to His Curate for the Management of His Parish*. London: Second edition, 1776.
- Thicknesse, Philip, *An Account of the Four Persons Found Starved to Death at Datchworth in Hertfordshire*. London: Second edition, 1769.
- Walker, D., *General View of the Agriculture of the County of Hertford, with Observations on the Means of Its Improvement*. London: 1795.

Young, Arthur, *General View of the Agriculture of Hertfordshire*. London: 1804.

Zouch, Henry, *Hints Respecting the Public Police*. London: 1786.

Newspapers and Magazines

'Appendix to Chronicle'. *The Annual Register, or a View of the History, Politics, and Literature of the Year 1827*. Vol.69. Printed for Baldwin and Cradock, London, 1828.

'Barnet Association'. *St James's Chronicle*. London, 11th-13th December 1792.

'Barnet Races'. *General Evening Post*. London, 24th-26th August 1797.

'Country News'. *General Evening Post*. London, 5th-7th June 1783.

'Finchley and Friern Barnet Association'. *Whitehall Evening Post*. London, 27th-29th November 1788.

'Humphries and Mendoza'. *World and Fashionable Advertiser*. London, Issues dated 15th and 17th September 1787.

'Incidents, Marriages and Deaths, in and near London', *The Monthly Magazine; or, British Register*. Vol.XL, Part II. Printed for Sir Richard Phillips, London: 1815.

'Lost this day between Barkhamsted and London'. *General Evening Post*. London, 15-17th August, 1758.

'Martin and Mendoza'. *Whitehall Evening Post*. London, 17th-19th April 1787.

General Evening Post. London, 6th-8th June 1758.

London Chronicle. London, 31st December 1782 - 2nd January 1783.

London Gazette. London, 10th April, 1787.

Morning Post and Fashionable World. London, 8th November, 1796.

Public Advertiser. London, 14th April 1787.

Wiffen, J. H., 'Broxbourne Church', *The Gentleman's Magazine*. Vol.LXXVIII, Part One. London: 1808, pp.497-498.

Statutes, Government Documents and British Parliamentary Papers (BPP)

1601, *Act for the relief of the poor (Poor Relief Act)*, 43 Eliz.I c.40.

1662, *Act for the better relief of the poor of this Kingdom (Settlement Act)*, 13 & 14 Car.II c.12.

1700, *Act for the more effectual punishment of vagrants, and sending them where by law they ought to be sent (Vagrant Removal Costs Act)*, 11 & 12 William III c.18.

1714, *Act for reducing the laws relating to rogues, vagabonds, sturdy beggars and vagrants...and sending them where by law they ought to be sent (Vagrancy Act)*, 12 Anne stat.2 c.23.

1733, *Act for the relief of parishes and other places from such charges as may arise from bastard children born within the same (Bastard Children Act)*, 6 Geo.II c.31.

1740, *Act for amending and enforcing the laws relating to the rogues, vagabonds, and other idle an disorderly persons (Vagrancy Act)*, 13 Geo.II c.24.

1744, *Act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction, (Vagrancy Act)*, 17 Geo.II c.5.

1750, *Apprehension of Endorsed Warrants Act*, 24 Geo.2 c.55.

1751, *Act for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses. (Disorderly Houses Act)*, 25 Geo.II c.36.

1757, *Militia Act*, 30 Geo.II c.25.

1778, *Act for the payment of costs to parties...; for the payment of the charges of constables in certain cases; and for more effectual payment of charges to witnesses and prosecutors... (Constables Charges Act)*, 18 Geo.III c.19.

1779, *Act for...more easy and better recruiting of his Majesty's land forces and marines...(Recruiting or 'Press' Act)*, 19 Geo.III c.10.

1792, *Act to explain and amend an act made in the seventeenth year of his late Majesty King George the Second, (Vagrancy Act)*, 32 Geo.III c.45.

BPP1821, *Report from the Select Committee on the Existing Laws Relating to Vagrants*. Vol. IV (Paper.121).

1827, *Bill for discontinuing certain Presentments by Constables*, 7-8 Geo.IV Sess.1826-1827.

BPP1831, *Comparative Account Of The Population Of Great Britain In The Years 1801, 1811, 1821, and 1831*. Vol. XVIII.1 (Paper.348).

BPP1835, *First Report of the Commissioners Appointed to Inquire into the Municipal Corporations in England and Wales*. Vol. XXIII-XXVI (Paper.116).

BPP1839, *First Report of the Commissioners Appointed to Inquire as to the Best Means of Establishing an Efficient Constabulary Force*. Vol. XIX (Paper.169).

1839, *Rural Constabulary Act*, 2&3 Vict. c.93

Transcribed and Online Primary Sources

Hertfordshire Militia Ballot Lists. Transcribed by Hertfordshire Family History Society, 2008, CD Rom.

Middlesex Sessions: General Orders of the Court. www.londonlives.org [accessed 17th August 2016].

Cheshunt, *Workhouse Minutes 1753-1799*. Transcribed by Peter E. Rooke, 1957.

Cheshunt, *Monumental Inscriptions of the Parish Church of...Cheshunt*. Transcribed and published by Hertfordshire Family History Society, 2004.

East-Barnet, *Marriage Registers 1755-1837*. Transcribed by Martin Horton at www.stmarys-eastbarnet.org.uk, [accessed 4th August 2014].

Knebworth, *Parish Registers 1596-1837*. Transcribed at www.knebworthparishchurch.co.uk, [accessed 12th June 2013].

Therfield, *Charles Moss's Survey 1803*. Transcribed by Martin Hagger from HALS D/P107/29/9 at www.therfield.net, [accessed 22nd November 2013].

Therfield, *marriage of William Anderson and Sarah Edwards, 31st October 1774*. 'England Marriages, 1538-1973', FHL microfilm 569,761 at www.familysearch.org [accessed 10th May 2016].

Wheathampstead, *marriage of John Atwood and Ann Mayes, 22nd April 1785* from 'England Marriages, 1538-1973', FHL microfilm 1040664 IT1-6 at www.familysearch.org [accessed 10th May 2016].

Wheathampstead, *marriage of William Osborn and Esther Freeman, 8th January 1785*. 'England Marriages, 1538-1973', FHL microfilm 569,769 at www.familysearch.org [accessed 10th May 2016].

Bibliography

Books and Book Sections

'Bishops Stortford', in *A History of the County of Hertford*, edited by William Page, Vol.III, pp.292-306. London: Online edition at www.british-history.ac.uk [accessed 15th January 2016], originally published by Victoria County History, 1912.

'Broadfield', in *A History of the County of Hertford*, edited by William Page, Vol.III, pp.209-211. London: Online edition at www.british-history.ac.uk [accessed 19th February 2013], originally published by Victoria County History, 1912.

'Cheshunt', in *A History of the County of Hertford*, edited by William Page, Vol.III, pp.441-458. London: Online edition at www.british-history.ac.uk [accessed 15th January 2016], originally published, Victoria County History, 1912.

'Shenley', in *A History of the County of Hertford*, edited by William Page, Vol.II, pp.264-273. London: Online edition at www.british-history.ac.uk [accessed 24th October 2015], originally published by Victoria County History, 1908.

'St Paul's Walden', in *A History of the County of Hertford*, edited by William Page, Vol.II, pp.405-411. London: Online edition at www.british-history.ac.uk [accessed 18th September 2015], originally published by Victoria County History, 1908.

'Theobalds Palace, Herts.', in *The Mirror of Literature, Amusement, and Instruction*, No.783, 25th June 1836, in Vol.XXVII, pp.417-420. London: J. Limbird, 1836.

Agar, Nigel, 'The Hertfordshire Farmer in the Age of Industrial Revolution', in *Hertfordshire in History*, edited by Doris Jones-Baker, pp.247-264. Hertfordshire: Hertfordshire Local History Council, 1991.

Allen, Robert C., 'Agriculture during the industrial revolution, 1700-1850', in *Cambridge Economic History of Modern Britain*, edited by Roderick Floud and Paul Johnson, pp.96-116. Cambridge: CUP, 2006.

Ascoli, David, *The Queen's Peace: the Origins and Development of the Metropolitan Police 1829-1979*. London: Hamish Hamilton, 1979.

Bailey, Joanne, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800*. Cambridge: CUP.

Bailey, Mark, *The English Manor c.1200-c.1500*. Manchester: Manchester University Press, 2002.

Barry, Jonathan, 'Bourgeois Collectivism? Urban Association and the Middling Sort', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, edited by Jonathan Barry and Christopher Brooks, pp.84-112. Basingstoke: Macmillan Press, 1994.

Barry, Jonathan and Brooks, Christopher, eds., *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*. Basingstoke: Macmillan Press, 1994.

Beattie, J. M., 'Judicial Records and the Measurement of Crime in Eighteenth-Century England', in *Crime and Criminal Justice in Europe and Canada*, edited by Louis Knafla, pp.127-145. Waterloo: Wilfrid Laurier University Press, 1981.

Beattie, J. M., *Crime and the Courts in England 1660-1800*. Oxford: Clarendon Press, 1986.

Beattie, J. M., *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*. Oxford: OUP, 2001.

Beattie, J. M., *The First English Detectives: the Bow Street Runners and the Policing of London, 1750-1840*. Oxford: OUP, 2012.

Beier, A. L., *Masterless Men: The Vagrancy Problem in England 1560-1640*. London: Methuen, 1987.

Black, Shirley Burgoyne, *Local Government, Law, and Order in a Pre-Reform English Parish, 1790-1834*. Lewiston: Edwin Mellen Press, 1992.

Bohstedt, John, *The Politics of Provisions: Food Riots, Moral Economy and Market Transition In England, c.1550-1850*. Farnham: Ashgate, 2010.

Borsay, Peter, *The English urban renaissance: culture and society in the provincial town, c.1680-1750*. Oxford: OUP, 1989.

Boyer, George R., *An Economic History of the English Poor Law 1750-1850*. Cambridge: Cambridge University Press, 1990.

Braddick, Michael J., *State Formation in Early Modern England c.1550-1700*. Cambridge: CUP, 2000.

Brereton, F. S., *Hemel Hempstead Through the Ages*. Hemel Hempstead: Hertfordshire Newspapers, c.1910.

Brewer, John, *The Sinews of Power: war, money and the English state, 1688-1783*. London: Routledge, 1994.

Brewer, John, 'The Eighteenth-Century British State: Contexts and issues', in *An Imperial State at War: Britain from 1689-1815*, edited by Lawrence Stone, pp.52-71. London: Routledge, 2003 digital edition.

Brigg, William, *The Parish Registers of Aldenham, Co. Herts, 1660-1812*. St Albans: Gibbs & Bamforth, 1910.

Briggs, John, Harrison, Christopher, McInnes, Angus and Vincent, David, *Crime and Punishment in England: an introductory history*. London: UCL Press, 1996.

Broad, John, *Transforming English Rural Society: The Verneys and the Claydons, 1600-1820*. Cambridge: CUP, 2004.

Bushaway, Bob, *By Rite: Custom, Ceremony and Community in England 1700-1880*. London: Junction Books, 1982.

Cannon, John, *Aristocratic Century: the peerage of eighteenth-century England*. Cambridge: CUP, 1984.

Cass, Frederick Charles, *East Barnet*. Westminster: London and Middlesex Archaeological Society, 1885-1892.

Chalklin, C. W., 'South-East', in *Cambridge Urban History of Britain*, edited by Peter Clark, Vol.II 1540-1840, pp.49-66. Cambridge: CUP, 2000.

Cirket, Alan F., ed., *Samuel Whitbread's Notebooks, 1810-11, 1813-14*. Ampthill: Bedfordshire Historical Record Society, 1971.

Cobb, John Wolstenholme, *Two Lectures on the History and Antiquities of Berkhamsted*. London: 1883.

Cockburn, J.S., *A History of English Assizes 1558–1714*. Cambridge: CUP, 2008 digital edition.

Colley, Linda, *Britons. Forging the Nation 1701-1837*. London: Vintage, 1996.

Condren, Conal, *Argument and Authority in Early Modern England. The Presupposition of Oaths and Offices*. Cambridge: CUP, 2006.

Corfield, Penelope J., 'Class by name and number in eighteenth-century Britain', in *Language, History and Class*, edited by Penelope J. Corfield, pp.101-130. Oxford: Basil Blackwell, 1991.

Corfield, Penelope J., *Power and the Professions in Britain 1700-1850*. London: Routledge, 1995.

Corfield, Penelope J., 'The Rivals: Landed and Other Gentleman', in *Land and Society in Britain, 1700-1914*, edited by R Quinault and N. B. Harte, pp.1-33. Manchester: Manchester University Press, 1996.

Cox, David J., *A Certain Share of Low Cunning: a history of the Bow Street Runners, 1792-1839*. Cullompton: Willan 2010.

Cressy, David, *Literacy and the Social Order. Reading and writing in Tudor and Stuart England*. Cambridge: CUP, 1980.

Cressy, David, *Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England*. Stroud: Sutton Publishing, 2004.

Crick, Julia, 'Liberty and Fraternity: Creating and Defending the Liberty of St Albans', in *Expectations of the Law in the Middle Ages*, edited by Anthony Musson, pp.91-194. Woodbridge: Boydell Press, 2001.

Critchley, T. A., *A History of Police in England and Wales*. London: Constable, 1978.

Crittall, Elizabeth, ed., *The Justicing Notebook of William Hunt 1744-1749*, Vol.XXXVII. Devizes: Wiltshire Record Society, 1987.

Crosby, Tony, 'The impact of industry on the market towns of east Hertfordshire', in *A County of Small Towns: the Development of Hertfordshire's Urban Landscape to 1800*, edited by Terry Slater and Nigel Goose, pp.362-384. Hatfield: Hertfordshire Publications, 2008.

D'Cruze, Shani, 'The Middling Sort in Eighteenth-Century Colchester: Independence, Social Relations and the Community Broker', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, edited by Jonathan Barry and Christopher Brooks, pp.181-207. Basingstoke: Macmillan Press, 1994.

D'Cruze, Shani, *A Pleasing Prospect. Social change and urban culture in eighteenth-century Colchester*. Hatfield: University of Hertfordshire Press, 2008.

Davey, B. J., *Rural Crime in the Eighteenth Century: North Lincolnshire, 1740-80*. Hull: University of Hull Press, 1994.

Davey, B. J. and Wheeler, R. C., eds., *The Country Justice and the Case of the Blackamoor's Head: the Practice of the Law in Lincolnshire, 1787-1838*. Woodbridge: Boydell Press for Lincoln Record Society, 2012.

Davidoff, Leonore and Hall, Catherine, *Family fortunes: men and women of the English middle class, 1780-1850*. London: Hutchinson Education, 1987.

Davison, Lee, Hitchcock, Tim, Keirn, Tim and Shoemaker, Robert B., 'Introduction. The Reactive State: English Governance and Society, 1689-1750', in *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, edited by Lee Davison, Tim Hitchcock, Tim Keirn and Robert B. Shoemaker, pp.xi-liv. Stroud: Alan Sutton, 1992.

Davison, Lee, Hitchcock, Tim, Keirn, Tim and Shoemaker, Robert B., eds., *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*. Stroud: Alan Sutton, 1992.

Dodsworth, Francis, 'Masculinity as Governance: police, public service and the embodiment of authority, c. 1700-1850', in *Public Men: political masculinities in modern Britain*, edited by Matthew McCormack, pp.33-53. Houndmills: Palgrave, 2007.

Dowdell, E. G., *A Hundred Years of Quarter Sessions: the Government of Middlesex from 1660-1760*. Cambridge: CUP, 1932.

Earle, Peter, *The Making of the English Middle Class. Business, Society and Family Life in London, 1660-1730*. London: Methuen, 1989.

Earle, Peter, 'The Middling Sort in London', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, edited by Jonathan Barry and Christopher Brooks, pp.141-158. Basingstoke: Macmillan Press, 1994.

Earwaker, J. P., *The Constables' Accounts of the Manor of Manchester*. Vol.III, 1743-1776. Manchester: 1892.

Eastwood, David, *Governing Rural England: tradition and transformation in local government, 1780-1840*. Oxford: Clarendon Press, 1994.

Eastwood, David, *Government and Community in the English Provinces, 1700-1870*. Basingstoke: Macmillan, 1997.

Eastwood, David, 'Local Government and Local Society', in *A Companion to Eighteenth-Century Britain*, edited by H. T. Dickinson, pp.40-54. Oxford: Blackwell Publishing, 2006.

Eccles, Audrey, *Vagrancy in Law and Practice under the Old Poor Law*. Farnham: Ashgate, 2012.

Ellis, Joyce, 'Regional and County Centres 1700-1840', in *Cambridge Urban History of Britain*, edited by Peter Clark, pp.673-704. Cambridge: CUP, 2000.

Ellis, Joyce M., *The Georgian Town 1680-1840*. Basingstoke: Palgrave, 2001.

Emsley, Clive, *Policing and Its Context 1750-1870*. London: Macmillan Press, 1983.

Emsley, Clive, *Crime and Society in England, 1750-1900*. Harlow: Longman, 1996.

Emsley, Clive, *Crime, Police and Penal Policy: European Experiences 1750-1940*. Oxford: Oxford University Press, 2007.

Emsley, Clive, *The Great British Bobby: a History of British Policing from the 18th Century to the Present*. London: Quercus, 2009.

Emsley, Clive, ed., *Theories and Origins of the Modern Police*. Farnham: Ashgate, 2011.

Erith, E. J., *Woodford Essex 1600-1836: a Study of Local Government in a Residential Parish* Woodford and District Historical Society, 1950.

Erith, F. H., *Ardleigh in 1796: its farms, families and local government*. East Bergholt: Hugh Tempest Radford, 1978.

Evans, Tanya, *'Unfortunate Objects': Lone Mothers in Eighteenth-Century London*. Houndmills: Palgrave Macmillan, 2005.

Fearon, J. H., ed., *Parish Accounts for the 'Town' of Bodicote Oxfordshire 1700-1822*. Banbury: Banbury Historical Society, 1975.

Fox, Alan, ed., *Parish Government in a Leicestershire Village: the Buckminster Town Book 1665-1767 and Constables' Book 1753-1813*. Leicester: Leicestershire Archaeological and Historical Society, 2015.

Fox, Levi, ed., *Coventry Constables' Presentments 1629-1742*. Oxford: OUP, 1986.

French, H. R., *The Middle Sort of People in Provincial England 1600-1750*. Oxford: OUP, 2007.

French, H. R. and Hoyle, R. W., *The Character of English Rural Society: Earls Colne, 1550-1750*. Manchester: Manchester University Press, 2007.

Garside, P. L., 'London and the Home Counties', in *Cambridge Social History of Britain, 1750-1950*, edited by F. M. L. Thompson, Vol.I, pp.471-540. Cambridge: CUP, 2002 digital edition.

Gatrell, V. A. C., 'Crime, authority and the policeman-state', in *Cambridge Social History of Britain, 1750-1950*, edited by F. M. L. Thompson, Vol.3, pp.243-310. Cambridge: CUP, 2002 digital edition.

George, M. Dorothy, *London Life in the Eighteenth Century*. Harmondsworth: Penguin, 1985.

Gerish, W. B., *The "Maid of the Mill": a Story of Baldock*. Bishops Stortford: 1912.

Gladwin, Irene, *The Sheriff: the Man and His Office*. London: Victor Gollancz, 1974.

Godfrey, Barry S. and Lawrence, Paul, *Crime and Justice 1750-1950*. Cullompton: Willan Publishing, 2005.

Goldie, Mark, 'Unacknowledged Republic: Officeholding in Early Modern England', in *The Politics of the Excluded, c.1500-1850*, edited by Tim Harris, pp.153-194. Basingstoke: Palgrave, 2001.

Goose, Nigel, 'Urban Growth and Economic Development in Early Modern Hertfordshire', in *A County of Small Towns: the Development of Hertfordshire's Urban Landscape to 1800*, edited by Terry Slater and Nigel Goose, pp.96-126. Hatfield: University of Hertfordshire Press, 2008.

Gray, Drew D., *Crime, Prosecution and Social Relations: the Summary Courts of the City of London in the Late Eighteenth Century*. Basingstoke: Palgrave Macmillan, 2009.

Green, Angela, *Ashdon: a History of an Essex Village*. Aldham: Angela Green, 1989.

Green, Edmund M., 'The taxonomy of occupations in late eighteenth-century Westminster', in *Work in Towns 850-1850*, edited by Penelope J. Corfield and Derek Keene, pp.164-181. Leicester: Leicester University Press, 1990.

Greig, Hannah, *The Beau Monde*. Oxford: OUP, 2013.

Griffin, Carl J., *Protest, Politics and Work in Rural England, 1700-1850*. Basingstoke: Palgrave Macmillan, 2014.

Griffin, Emma, *England's Revelry: a History of Popular Sports and Pastimes, 1660-1830*. Oxford: OUP, 2005.

Hale, Peter, *Noble & Splendid. Scandal, Honour and Duty: the Families of Kimpton Hoo* Kimpton History Group, 2008.

Hammond, J. L. and Hammond, Barbara, *The Village Labourer 1760-1832: a Study in the Government of England before the Reform Bill*. London: Longmans, Green and Co., 1920.

Harris, Andrew T., *Policing the City: Crime and Legal Authority in London, 1780-1840*. Columbus: Ohio State University Press, 2004.

Harris, Bob, *Politics and the Nation: Britain in the Mid-Eighteenth Century*. Oxford: OUP, 2002.

Harrison, Christopher, 'Manor Courts and the Governance of Tudor England', in *Communities and Courts in Britain 1150-1900*, edited by Christopher Brooks and Michael Lobban, pp.43-60. London: Hambledon Press, 1997.

Harwood, Kate, 'Some Hertfordshire nabobs', in *Hertfordshire Garden History: a Miscellany*, edited by Anne Rowe, pp.49-77. Hatfield: Hertfordshire Publications, 2007.

Hay, Douglas, Linebaugh, Peter, Rule, John G., Thompson, E. P. and Winslow, Cal, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. Harmondsworth: Peregrine, 1977.

Hay, Douglas and Snyder, Francis, 'Using the Criminal Law, 1750-1850: Policing, Private Prosecution, and the State', in *Policing and Prosecution in Britain 1750-1850*, edited by Douglas Hay and Francis G. Snyder, pp.3-54. Oxford: Clarendon Press, 1989.

Hearnshaw, F. J. C., *Leet Jurisdiction in England*. Southampton: Cox & Sharland, 1908.

Herrup, Cynthia B, *The Common Peace. Participation and the criminal law in seventeenth-century England*. Cambridge: CUP, 1987.

Hindle, Steve, 'The Political Culture of the Middling Sort in English Rural Communities, c.1550-1700', in *The Politics of the Excluded, c.1500-1850*, edited by Tim Harris, pp.125-152. Basingstoke: Palgrave, 2001.

Hindle, Steve, *The State and Social Change in Early Modern England, 1550-1640*. Basingstoke: Palgrave, 2002.

Hindle, Steve, *On the Parish? The Micro-Politics of Poor Relief in Rural England c.1550-1750*. Oxford: Clarendon Press, 2004.

Hitchcock, David, *Vagrancy in English Culture and Society, 1650-1750*. London: Bloomsbury, 2016.

Hitchcock, Tim, 'Paupers and Preachers: The SPCK and the Parochial Workhouse Movement', in *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, edited by Lee Davison, Tim Hitchcock, Tim Keirn and Robert B. Shoemaker, pp.145-166. Stroud and New York: Alan Sutton and St Martin's Press, 1992.

Hitchcock, Tim, *Down and Out in Eighteenth-Century London*. London: Hambledon And London, 2004.

Hitchcock, Tim, King, Peter and Sharpe, Pamela, eds., *Chronicling Poverty: the Voices and Strategies of the English Poor, 1640-1840*. Basingstoke: Macmillan Press, 1997.

Hone, Nathaniel J., *The Manor and Manorial Records*. London: Methuen & Co, 1906.

Horn, Pamela, *The Rural World 1780-1850: social change in the English countryside*. London: Hutchinson, 1980.

Horn, Pamela, *Life and Labour in Rural England, 1760-1850*. Basingstoke: Macmillan Education, 1987.

Hoyle, Richard W., ed., *The Farmer in England, 1650-1980*. Farnham: Ashgate, 2013.

Hunt, Margaret R., *The Middling Sort. Commerce, Gender and the Family in England, 1680-1780*. Berkeley: University Of California Press, 1996.

Ingram, M. J., 'Communities and Courts: Law and Disorder in Early-Seventeenth-Century Wiltshire', in *Crime in England 1550-1800*, edited by J. S. Cockburn, pp.110-135. London: Methuen & Co, 1977.

Ingram, Martin, 'Charivari and Shame Punishments: Folk Justice and State Justice in Early Modern England', in *Social Control in Europe: 1500-1800*, edited by Herman Roodenburg, pp.288-308. Columbus: Ohio University Press, 2004.

Innes, Joanna, 'Prisons for the poor: English bridewells, 1555-1800', in *Labour, Law, and Crime: an historical perspective*, edited by Francis G. Snyder and C. Douglas Hay, pp.42-122. London: Tavistock Publications, 1987.

Innes, Joanna, 'Managing the Metropolis: London's Social Problems and Their Control, c.1660-1830', in *Two Capitals: London and Dublin, 1500-1840*, edited by Peter Clark and Raymond Gillespie, pp.53-79. Oxford: OUP, 2001.

Innes, Joanna, 'Governing Diverse Societies', in *The Eighteenth Century 1688-1815*, edited by Paul Langford, pp.103-140. Oxford: OUP, 2002.

Innes, Joanna, 'The domestic face of the military-fiscal state: government and society in eighteenth-century Britain', in *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, pp.48-77. Oxford: OUP, 2009.

Innes, Joanna, *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*. Oxford: OUP, 2009.

Innes, Joanna, 'Politics and morals: the reformation of manners movement in later eighteenth-century England', in *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, pp.179-226. Oxford: OUP, 2009.

Innes, Joanna, 'The Protestant carpenter - William Payne of Bell Yard (c.1718-82): the life and times of a London informing constable', in *Inferior Politics: Social Problems and Social Policies in Eighteenth-Century Britain*, pp.227-278. Oxford: OUP, 2009.

Jenkins, Philip, *The making of a ruling class. The Glamorgan gentry 1640-1790*. Cambridge: CUP, 1983.

Johnson, W. Branch, ed., '*Memorands for...*': *The Diary Between 1798 and 1810 of John Carrington*. London: Phillimore, 1973.

Jones, Arthur, ed., *Hertfordshire 1731-1800 as recorded in The Gentleman's Magazine*. Hatfield: Hertfordshire Publications, 1993.

Kent, Joan R., *The English Village Constable, 1580-1642: a Social and Administrative Study*. Oxford: Clarendon Press, 1986.

Kerridge, Eric, *The Common Fields of England*. Manchester: Manchester University Press, 1992.

King, P.J.R., 'Prosecution Associations and Their Impact in Eighteenth-Century Essex', in *Policing and Prosecution in Britain 1750-1850*, edited by Douglas Hay and Francis G. Snyder, pp.171-207. Oxford: Clarendon Press, 1989.

King, Peter, *Crime, Justice, and Discretion in England 1740-1820*. Oxford: OUP, 2000.

King, Peter, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins*. Cambridge: CUP, 2006.

King, Steven, *Poverty and welfare in England 1700-1850: a regional perspective*. Manchester: Manchester University Press, 2000.

King, Steven and Gear, Gillian, eds., *A Caring County? Social Welfare in Hertfordshire from 1600*. Hatfield: University of Hertfordshire Press, 2013.

King, Steven and Tomkins, Alannah, eds., *The Poor in England, 1700-1850: an Economy of Makeshifts*. Manchester: Manchester University Press, 2003.

Landau, Norma, *The Justices of the Peace, 1679-1760*. London: University of California Press, 1984.

Langford, Paul, *A Polite and Commercial People: England 1727-1783*. London: Guild Publishing, 1989.

Langford, Paul, *Public Life and the Propertied Englishman 1689-1798*. Oxford: Clarendon Press, 1991.

Lawton, Guy, ed., *Church Lawton Manor Court Rolls, 1631-1860*. Lancaster: Record Society of Lancashire and Cheshire, 2013.

Le Hardy, William, ed., *Quarter Sessions and Other Records in the Custody of the Officials of the County*. Hertford: Neville Moon, 1961.

Lees, Lynn Hollen, *The Solidarities of Strangers. The English Poor Laws and the People, 1700-1948*. Cambridge: Cambridge University Press, 1998.

Lemmings, David, *Law and Government in England during the Long Eighteenth Century, from Consent to Command*. Basingstoke: Palgrave Macmillan, 2011.

Linebaugh, Peter, 'The Tyburn Riot Against the Surgeons', in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, edited by Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson and Cal Winslow. London: Penguin, 1977.

Macnair, Andrew, Rowe, Anne and Williamson, Tom, *Dury & Andrews' Map of Hertfordshire: Society and Landscape in the Eighteenth Century*. Oxford: Oxbow, 2016.

Malcolmson, Robert W., *Popular Recreations in English Society 1700-1850*. Cambridge: CUP, 1973.

Marshall, Dorothy, *The English Poor in the Eighteenth Century*. London: George Routledge & Sons, 1926.

McCormack, Matthew, *The Independent Man. Citizenship and Gender Politics in Georgian England*. Manchester: Manchester University Press, 2005.

McIntosh, M.K., *Controlling misbehavior in England, 1370-1600*. Cambridge: CUP, 2002.

Melville-Lee, W. L., *A History of Police in England*. London: Methuen & Co, 1901.

Mingay, G. E., *The Gentry: the Rise and Fall of a Ruling Class*. London: Longman, 1976.

Mingay, G. E., *A Social History of the English Countryside*. London: Routledge, 2001 digital edition.

Morgan, Gwenda and Rushton, Peter, *The Justicing Notebook (1750-64) of Edmund Tew, Rector of Boldon*. Woodbridge: Surtees Society, 2000.

Mori, Jennifer, *Britain in the Age of the French Revolution 1785-1820*. London: Routledge, 2014.

Morris, William Alfred, *The Frankpledge System*. New York: Longmans, Green, and Co., 1910.

Neocleous, Mark, *The Fabrication of Social Order: a critical theory of police power*. London: Pluto Press 2000.

Neuman, Mark, *Speenhamland County: Poverty and the Poor Laws in Berkshire 1782-1734*. New York and London: Garland Publishing Inc, 1982.

Newell, Fiona, 'Social Mobility in the Population of Aldenham, Hertfordshire 1600-1800', in *Hertfordshire in History*, edited by Doris Jones-Baker, pp.109-126. Hatfield: Hertfordshire Publications, 2004.

O'Gorman, Frank, *The Long Eighteenth Century: British Political and Social History 1688-1832*. London and New York: Bloomsbury Academic, 2011.

Olsen, Kirstin, *Daily Life in 18th-Century England*. Westport: Greenwood Press, 1999.

Osborn, Neil, *The Story of Hertfordshire Police*. Letchworth: Hertfordshire Countryside, 1970.

Oxley, Geoffrey W., *Poor Relief in England and Wales 1601-1834*. Newton Abbot: David & Charles, 1974.

Paley, Ruth, ed., *Justice in Eighteenth-Century Hackney: the Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book*. London: London Record Society, 1991.

Philips, David, 'Good Men to Associate and Bad Men to Conspire: Associations for the Prosecution of Felons in England, 1760-1860', in *Policing and Prosecution in Britain 1750-1850*, edited by Douglas Hay and Francis G. Snyder, pp.113-170. Oxford: Clarendon Press, 1989.

Philips, David and Storch, Robert D., *Policing Provincial England, 1829-1856: the Politics of Reform*. London: Leicester University Press, 1999.

Poole, Steve, 'For the benefit of example': crime scene executions in England 1720-1830', in *A Global History of Execution and the Criminal Corpse*, edited by Richard Ward, pp.71-101. Basingstoke: Palgrave Macmillan, 2015.

Pounds, N. J. G., *A History of the English Parish: the Culture of Religion from Augustine to Victoria*. Cambridge: CUP, 2000.

Price, F. D., ed., *The Wigginton Constables' Book 1691-1836*. London: Phillimore, 1971.

Prince, Hugh C., *Parks in Hertfordshire since 1500*. Hatfield: University of Hertfordshire Press, 2008.

Randall, Adrian, *Riotous Assemblies: Popular Protest in Hanoverian England*. Oxford: OUP, 2006.

Raven, James, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750-1800*. Oxford: OUP, 1992.

Rawlings, Philip, *Policing: a short history*. Cullompton: Willan Publishing, 2002.

Reith, Charles, *The Police Idea: Its History and Evolution in England in the Eighteenth Century and After*. London: OUP, 1938.

Reynolds, Elaine A., *Before The Bobbies. The Night Watch and Police Reform in Metropolitan London, 1720-1830*. Basingstoke: Macmillan Press, 1998.

Richardson, R. C., 'Metropolitan Counties: Bedfordshire, Hertfordshire and Middlesex', in *The Agrarian History of England and Wales. 1640-1750: Regional Farming Systems*, edited by Joan Thirsk, pp.239-269. Cambridge: CUP, 1984.

Rogers, Nicholas, 'Confronting the Crime Wave: the Debate over Social Reform and Regulation', in *Stilling the Grumbling Hive: the Response to Social and Economic Problems in England 1689-1750*, edited by Lee Davison, Tim Hitchcock, Tim Keirn and Robert B. Shoemaker, pp.77-98. Stroud: Alan Sutton, 1992.

Rogers, Nicholas, 'The Middling Sort in Eighteenth-Century Politics', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, edited by Jonathan Barry and Christopher Brooks, pp.159-180. Basingstoke: Macmillan Press, 1994.

Rogers, Nicholas, *Crowds, Culture and Politics in Georgian Britain*. Oxford: OUP, 1998.

Rooke, P. E., ed., *Theobalds Through the Centuries: the Changing Fortunes of a Hertfordshire House and Estate*. Unknown:1980.

Rowe, Anne and Williamson, Tom, *Hertfordshire: a Landscape History*. Hatfield: University of Hertfordshire Press, 2013.

Rule, John, 'The Labouring Poor', in *A Companion to Eighteenth-Century Britain*, edited by H. T. Dickinson, pp.172-182. Oxford: Blackwell Publishing, 2006.

Rule, John, *Albion's People: English Society, 1714-1815*. London: Routledge, 2014.

Rule, John and Wells, Roger, eds., *Crime, Protest and Popular Politics in Southern England, 1740-1850*. London: Hambledon Press, 1997.

Seebohm, Frederic, *The English Village Community*. London: Longmans, Green, and Co., 1915.

Sharpe, J. A., 'Crime and Delinquency in an Essex Parish 1600-1640', in *Crime in England 1550-1800*, edited by J. S. Cockburn, pp.90-109. London: Methuen, 1977.

Sharpe, J. A., *Crime in Early Modern England 1550-1750*. Harlow: Longman, 1984.

Sheldon, Richard, Randall, Adrian, Charlesworth, Andrew and Walsh, David, 'Popular Protest and the Persistence of Customary Corn Measures: Resistance to the Winchester Bushel in the English West', in *Markets, Market Culture and Popular Protest in Eighteenth-Century Britain and Ireland*, edited by Adrian Randall and Andrew Charlesworth, pp.25-45. Liverpool: Liverpool University Press, 1996.

Shepard, Alexandra, *Accounting for Oneself: Worth, Status, and the Social Order in Early Modern England*. Oxford: OUP, 2015.

- Shoemaker, Robert B., *Prosecution and Punishment. Petty crime and the law in London and rural Middlesex, c.1660-1725*. Cambridge: CUP, 1991.
- Shoemaker, Robert B., *Gender in English Society 1650-1850. The Emergence of Separate Spheres?* Harlow: Addison Wesley Longman, 1998.
- Shoemaker, Robert B., *The London Mob. Violence and Disorder in Eighteenth-Century England*. London: Hambledon, 2004.
- Shore, Heather, 'Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth-Century London', in *The Poor In England 1700-1850: an Economy of Makeshifts*, edited by Steven King and Alannah Tomkins, pp.137-165. Manchester: Manchester University Press, 2003.
- Silverthorne, Elizabeth, ed., *Deposition Book of Richard Wyatt, JP, 1767-1776*, Vol.XXX. Guildford: Surrey Record Society, 1978.
- Slack, Paul, *Poverty and policy in Tudor and Stuart England*. Vol.1988 Longman London, 1988.
- Slack, Paul, *The English Poor Law 1531-1782*. Basingstoke: Macmillan Education, 1990.
- Smellie, K. B., *A History of Local Government*. London: George Allen & Unwin, 1957.
- Smith, Bruce P., 'The Myth of Private Prosecution in England, 1750-1850', in *Modern Histories of Crime and Punishment*, edited by Markus D. Dubber and Lindsay Farmer, pp.151-174. Stanford: Stanford University Press, 2007.
- Smith, Greg T., ed., *Summary Justice in the City: a Selection of Cases Heard at the Guildhall Justice Room, 1752-1781*. London: Boydell Press, 2013.
- Smith, Richard M., ed., *Land, Kinship and Life-Cycle*. Cambridge: CUP, 1984.
- Snell, K. D. M., *Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900*. Cambridge: CUP, 1985.
- Snell, K. D. M., *Parish and Belonging: Community, Identity and Welfare in England and Wales, 1700-1950*. Cambridge: CUP, 2006.
- Sokoll, Thomas, *Household and Family Among the Poor: the Case of Two Essex Communities in the Late Eighteenth and Early Nineteenth Centuries*. Bochum: Universitätsverlag Dr. Norbert Brockmeyer, 1993.
- Stevenson, Bill, 'The social integration of post-Restoration dissenters, 1660-1725', in *The World of Rural Dissenters, 1520-1725*, edited by Margaret Spufford, pp.360-387. Cambridge: CUP, 1995.
- Stevenson, John, *Popular Disturbances in England, 1700-1832*. Harlow: Longman, 1992.

Stone, Lawrence and Stone, Jeanne C. Fawtier, 'Country Houses and Their Owners in Hertfordshire, 1540-1879', in *The Dimensions of Quantitative Research in History*, edited by William O. Aydelotte, Allan G. Bogue and Robert William Fogel, pp.56-123. Princeton: Princeton University Press, 1972.

Stone, Lawrence and Stone, Jeanne C. Fawtier, *An Open Elite? England, 1540-1880*. Oxford: Clarendon Press, 1984.

Storch, Robert D., 'Policing Rural Southern England Before the Police: Opinion and Practice, 1830-1856', in *Policing and Prosecution in Britain 1750-1850*, edited by Douglas Hay and Francis G. Snyder, pp.211-266. Oxford: Clarendon Press, 1989.

Styles, John, 'Print and Policing: Crime Advertising in Eighteenth-Century Provincial England', in *Policing and Prosecution in Britain 1750-1850*, edited by Douglas Hay and Francis G. Snyder, pp.55-112. Oxford: Clarendon Press, 1989.

Sweet, Rosemary, *The Writing of Urban Histories in Eighteenth-Century England*. Oxford: Clarendon Press, 1997.

Tadmor, Naomi, 'Where was Mrs Turner? Governance and Gender in an Eighteenth-Century Village', in *Remaking English Society. Social Relations and Social Change in Early Modern England*, edited by Steve Hindle, Alexandra Shepard and John Walter, pp.89-112. Woodbridge: Boydell Press, 2013.

Taylor, Pamela, 'Boundaries, margins and the delineation of the urban: the case of Barnet', in *A County of Small Towns: the Development of Hertfordshire's Urban Landscape to 1800*, edited by Terry Slater and Nigel Goose, pp.249-275. Hatfield: Hertfordshire Publications, 2008.

Thompson, E. P., *Whigs and Hunters: the Origin of the Black Act*. London: Allen Lane, 1975.

Thompson, E. P., *The Making of the English Working Class*. London: Penguin, 1988.

Thompson, E. P., 'Rough Music', in *Customs in Common*, pp.467-538. London: Penguin, 1988.

Tomkins, Alannah, *The Experience of Urban Poverty, 1723-1782: Parish, charity and credit*. Manchester: Manchester University Press, 2006.

Trotter, Eleanor, *Seventeenth Century Life in the Country Parish with Special Reference to Local Government*. Cambridge: CUP, 1919.

Turner, Katherine, 'Philip Thickness (1719-1792)', in *Oxford Dictionary of National Biography*. Oxford: Online edition at www.oxforddnb.com [accessed 25th January 2017], 2008.

Vaisey, David, ed., *The Diary of Thomas Turner 1754-1765*. Oxford: OUP, 1985.

Vickery, Amanda, *The Gentleman's Daughter. Women's Lives in Georgian England*. New Haven: Yale University Press, 1998.

Vinson, J. H., 'The Barnet Association in 1792', in *Middlesex & Hertfordshire Notes and Queries*, Vol.IV. London: F. E. Robinson, 1898.

Vogler, Richard, *Reading the Riot Act. The magistracy, the police and the army in civil disorder*. Milton Keynes: Open University Press, 1991.

Warren, W. L., *The Governance of Norman and Angevin England 1086-1272*. Stanford: Stanford University Press, 1987.

Webb, Sidney and Beatrice, *English Poor Law History: Pt 1: the Old Poor Law*. London: Frank Cass & Co, 1963.

Webb, Sidney and Webb, Beatrice, *The Manor and the Borough. Part One*. London: Longmans, Green and Co., 1908.

Webb, Sidney and Webb, Beatrice, *The Parish and the County*. London: Frank Cass & Co., 1963.

Wells, Roger, *Wretched Faces: Famine in Wartime England 1793-1801*. London: Breviary Stuff Publications, 2011.

Western, J. R., *The English Militia in the Eighteenth Century: the Story of a Political Issue 1660-1802*. London: Routledge & Kegan Paul, 1965.

White, Sheila, 'Looking after the poor: Cheshunt parish workhouse in the mid-eighteenth century', in *A Caring County? Social welfare in Hertfordshire from 1600*, edited by Steven King and Gillian Gear, pp.148-177. Hatfield: Hertfordshire Publications, 2013.

Williams, Samantha, *Poverty, Gender and Life-Cycle Under the English Poor Law, 1760-1834*. Woodbridge: Boydell Press, 2011.

Wilson, Adrian, *Ritual and Conflict: the Social Relations of Childbirth in Early Modern England*. Farnham: Ashgate, 2013.

Wilson, Kathleen, *The Sense of the People: politics, culture and imperialism in England, 1715-1785*. Cambridge: CUP, 1998.

Wilson, Richard G., 'The Landed Elite', in *A Companion to Eighteenth-Century Britain*, edited by H. T. Dickinson, pp.158-171. Oxford: Blackwell Publishing, 2006.

Winchester, Angus J. L., *The Harvest of the Hills: Rural Life in Northern England and the Scottish Borders, 1400-1700*. Edinburgh: Edinburgh University Press, 2006 digital edition.

Wood, Andy, *Riot, Rebellion and Popular Politics in Early Modern England*. Basingstoke: Palgrave, 2002.

Wood, Andy, *The Politics of Social Conflict. The Peak Country 1520-1770*. Cambridge: CUP, 2004.

Wrightson, Keith, 'Two concepts of order: justices, constables and jurymen in seventeenth-century England', in *An Ungovernable People: the English and their law in the seventeenth and eighteenth centuries*, edited by John Brewer and John Styles, pp.21-46. London: Hutchinson, 1983.

Wrightson, Keith, 'The Social Order of Early Modern England: Three Approaches', in *The World We Have Gained. Histories of Population and Social Structure*, edited by Lloyd Bonfield, Richard M. Smith and Keith Wrightson, pp.177-202. Oxford: Basil Blackwell, 1986.

Wrightson, Keith, *English Society 1580-1680*. London: Routledge, 1990.

Wrightson, Keith, 'Estates, degrees and sorts: changing perceptions of society in Tudor and Stuart England', in *Language, History and Class*, edited by Penelope J. Corfield, pp.30-52. Oxford: Basil Blackwell Ltd, 1991.

Wrightson, Keith, 'Sorts of People' in Tudor and Stuart England', in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, edited by Jonathan Barry and Christopher Brooks, pp.28-51. Basingstoke: Macmillan Press, 1994.

Wrightson, Keith, 'The Politics of the Parish in Early Modern England', in *The Experience of Authority in Early Modern England*, edited by Paul Griffiths, Adam Fox and Steve Hindle, pp.10-46. Basingstoke: Macmillan Press, 1996.

Wrightson, Keith, *Earthly Necessities. Economic Lives in Early Modern Britain*. Newhaven: Yale University Press, 2000.

Wrightson, Keith and Levine, David, *Poverty and Piety in an English Village: Terling, 1525-1700*. New York: Academic Press, 1979.

Zunshine, Lisa, *Bastards and Foundlings: Illegitimacy in Eighteenth-Century England*. Columbus: Ohio State University Press, 2005.

Journal Articles

Ault, Warren O., 'Open-Field Husbandry and the Village Community: a Study of Agrarian By-Laws in Medieval England', *Transactions of the American Philosophical Society*, Vol.55, No.7, (1965), pp.1-102.

Ault, Warren O., 'The Vill in Medieval England', *Proceedings of the American Philosophical Society*, Vol.126, No.3, (1982), pp.188-211.

Axtmann, Roland, 'Police' and the Formation of the Modern State', *German History*, Vol.10, No.1, (1992), pp.39-61.

Bailey, Lucy A., 'Squire, shopkeeper and staple food: the reciprocal relationship between the country house and the village shop in the late Georgian period', *History of Retailing and Consumption*, Vol.1, No.1, (2015), pp.8-27.

Bailey, Peter 'The Role of the Parish Constable: Law and Disorder in the Parish of Gedling from 1655-1848', *Nottinghamshire Historian*, Vol.46, (1991), pp.16-23.

- Barrie, David 'Police in civil society: police, Enlightenment and civic virtue in urban Scotland, c.1780–1833', *Urban History*, Vol.37, No.1, (2010), pp.45-65.
- Beattie, J. M., 'The Pattern of Crime in England 1660-1800', *Past & Present*, Vol.62, (1974), pp.47-95.
- Beattie, J. M., 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, Vol.8, No.4, (1975), pp.80-116.
- Beattie, J. M., 'Sir John Fielding and Public Justice: the Bow Street Magistrates' Court 1754-1780', *Law and History Review*, Vol.25, No.1, (2007), pp.61-100.
- Blaug, Mark, 'The Myth of the Old Poor Law and the Making of the New', *Journal of Economic History*, Vol.23, No.2, (1963), pp.151-184.
- Bromfield, Patricia, 'Incidences and Attitudes: a View of Bastardy from Eighteenth-Century Rural North Staffordshire, c.1750-1820', *Midland History*, Vol.27, No.1, (2002), pp.80-98.
- Campbell, Enid, 'Oaths and Affirmations of Public Office Under English Law: an Historical Retrospect', *Journal of Legal History*, Vol.21, No.3, (2000), pp.1-32.
- Conley, John A., 'Doing it by the Book: Justice of the Peace Manuals and English Law in Eighteenth Century America', *Journal of Legal History*, Vol.6, No.3, (1985), pp.257-298.
- Conway, Stephen, 'British Mobilization in the War of American Independence', *Historical Research*, Vol.72, No.177, (1999), pp.58-76.
- Cookson, J. E., 'The English Volunteer Movement of the French Wars, 1793-1815: Some Contexts', *Historical Journal*, Vol.32, No.4, (1989), pp.867-891.
- Corfield, P. J. and Kelly, Serena, 'Giving directions to the town': the early town directories', *Urban History*, Vol.11, (1984), pp.22-35.
- Dabhoiwala, Faramerz, 'Summary Justice in Early Modern London', *English Historical Review*, Vol.121, No.492, (2006), pp.796-822.
- Devereaux, Simon., 'The Historiography of the English State during 'the Long Eighteenth Century': Part I – Decentralized Perspectives', *History Compass*, Vol.7, No.3, (2009), pp.742-764.
- Devereaux, Simon, 'The Historiography of the English State During 'The Long Eighteenth Century' Part II – Fiscal-Military and Nationalist Perspectives', *History Compass*, Vol.8, No.8, (2010), pp.843-865.
- Dodsworth, Francis M., 'Civic' police and the condition of liberty: the rationality of governance in eighteenth-century England', *Social History*, Vol.29, No.2, (2004), pp.199-216.

Dodsworth, Francis M., 'The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c.1780–1800', *Journal of the History of Ideas*, Vol.69, No.4, (2008), pp.583-605.

Eccles, Audrey, 'The Adams' Father and Son, Vagrant Contractors to Middlesex 1757-1794', *Transactions of the London and Middlesex Archaeological Society*, Vol.57, (2006), pp.83-91.

Evans, Hugh C., 'Comic Constables - Fictional and Historical', *Shakespeare Quarterly*, Vol.20, No.4, (1969), pp.427-433.

French, H. R., 'The Search for the 'Middle Sort of People' in England, 1600–1800', *Historical Journal*, Vol.43, No.1, (2000), pp.277-293.

French, H. R., 'Social Status, Localism and the 'Middle Sort of People' in England 1620-1750', *Past & Present*, No.166, (2000), pp.66-99.

Gauci, Perry, 'Finding the Middle-Ground: the Middling Sort in the Eighteenth Century', *History Compass*, Vol.4, No.2, (2006), pp.228-234.

Goodrich, Amanda, 'Understanding a Language of 'Aristocracy', 1700-1850', *Historical Journal*, Vol.56, No.02, (June, 2013), pp.369-398.

Graham, Rose, 'The Civic Position of Women at Common Law before 1800', *Journal of the Society of Comparative Legislation*, Vol.17, No.1/2, (1917), pp.178-193.

Gray, Drew, 'Making Law in Mid-Eighteenth-Century England: Legal Statutes and their Application in the Justicing Notebook of Phillip Ward of Stoke Doyle', *Journal of Legal History*, Vol.34, No.2, (2013), pp.211-233.

Hampson, Ethel M., 'Settlement and Removal in Cambridgeshire, 1662-1834', *Cambridge Historical Journal*, Vol.2, No.3, (1928), pp.273-289.

Hardy, Anne, 'Diagnosis, Death, and Diet: the Case of London, 1750-1909', *Journal of Interdisciplinary History*, Vol.18, No.3, (1988), pp.387-401.

Hay, Douglas, 'War, Dearth and Theft in the Eighteenth Century: the Record of the English Courts.', *Past & Present*, No.95, (May, 1982), pp.117-160.

Haywood, Linda, 'The Role of York's Parish Constables 1713-1835', *York Historian*, Vol.15, (1998), pp.26-36.

Hindle, Steve, 'Power, Poor Relief, and Social Relations in Holland Fen, c.1600–1800', *Historical Journal*, Vol.41, No.1, (1998), pp.67-96.

Hitchcock, David, 'A Typology of Travellers: Migration, Justice and Vagrancy in Warwickshire, 1670-1730', *Rural History*, Vol.23, No.1, (2012), pp.21-39.

Hitchcock, Tim, 'The London Vagrancy Crisis of the 1780s', *Rural History*, Vol.24, No.1, (2013), pp.53-66.

- Hitchcock, Tim, Crymble, Adam and Falcini, Louise, 'Loose, idle and disorderly: vagrant removal in late eighteenth-century Middlesex', *Social History*, Vol.39, No.4, (2014), pp.509-527.
- Hoppit, Julian, 'Reforming Britain's Weights and Measures, 1660-1824', *English Historical Review*, Vol.108, No.426, (1993), pp.82-104.
- Ingram, Martin, 'Ridings, Rough Music and the 'Reform of Popular Culture'', *Past & Present* Vol.105, No.Nov, (1984), pp.79-113.
- Jerrard, B. C., 'Early Policing Methods in Gloucestershire', *Transactions of the Bristol and Gloucestershire Archaeological Society*, Vol.100, (1982), pp.221-240.
- Johns, F. D., 'A Petty Constable's Account Book', *Archaeologia Cantiana*, Vol.CIV, (1987), pp.9-24.
- Katz, Michael B., 'Occupational Classification in History', *Journal of Interdisciplinary History*, Vol.3, No.1, (1972), pp.63-88.
- Kent, Joan, 'The English Village Constable, 1580-1642: the Nature and Dilemmas of the Office', *Journal of British Studies*, Vol.20, No.2, (1981), pp.26-49.
- Kent, Joan, 'Population Mobility and Alms: Poor Migrants in the Midlands During the Early Seventeenth Century', *Local Population Studies*, Vol.27, (1981), pp.35-51.
- Kent, Joan, 'The Rural 'Middling Sort' in Early Modern England, circa 1640-1740: Some Economic, Political and Socio-Cultural Characteristics', *Rural History*, Vol.10, No.1, (1999), pp.19-54.
- Kent, Joan R, 'Folk Justice' and Royal Justice in Early Seventeenth-Century England: a 'Charivari' in the Midlands', *Midland History*, Vol.8, No.1, (1983), pp.70-85.
- Kent, Joan. R., 'The Centre and the Localities: State Formation and Parish Government in England, Circa 1640-1740', *Historical Journal*, Vol.38, No.2, (1995), pp.363-404.
- Kilday, Anne-Marie, 'Criminally Poor?' Investigating the Link Between Crime and Poverty in Eighteenth Century England', *Cultural and Social History* Vol.11, No.4, (2014), pp.507-526.
- King, Peter, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800', *Historical Journal*, Vol.27, No.1, (1984), pp.25-58.
- King, Peter, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past & Present* No.183, (2004), pp.125-172.
- King, W. J., 'Early Stuart courts leet: still needful and useful', *Social History*, Vol.23, (1990), pp.271-299.

King, Walter J., 'Leet Jurors and the Search for Law and Order in Seventeenth-Century England: "Galling Persecution" or Reasonable Justice?', *Social History*, Vol.XIII, No.26, (1980), pp.305-323.

King, Walter J., 'Vagrancy and Local Law Enforcement: Why Be a Constable in Stuart Lancashire?', *The Historian*, Vol.42, No.2, (1980), pp.264-283.

King, Walter J., 'Untapped Resources for Social Historians', *Journal of Social History*, Vol.15, No.4, (1982), pp.699-705.

Knemeyer, Franz-Ludwig, 'Polizei', *Economy and Society*, Vol.9, (1980), pp.172-196.

Landau, N., 'The laws of settlement and the surveillance of immigration in eighteenth-century Kent', *Continuity and Change*, Vol.3, No.3, (1988), pp.391-420.

Landau, Norma, 'Who was subjected to the Laws of Settlement? Procedure under the Settlement Laws in Eighteenth-Century England', *Agricultural History Review*, Vol.43, No.II, (1995), pp.139-159.

Langbein, John.H., 'Albion's Fatal Flaws, Past and Present', *Yale Law School, Faculty Scholarship Series, Paper 545*, (1983), pp.96-120.

Lee, J., '"Ye shall disturbe noe mans right': Oath-taking and oath-breaking in late medieval and early modern Bristol', *Urban History*, Vol.34, No.1, (2007), pp.27-38.

Lindert, Peter H. and Williamson, Jeffrey G., 'Revising England's Social Tables 1688-1812', *Explorations in Economic History*, Vol.19, (1982), pp.385-408.

Macfarlane, Karen A., 'The Jewish Policemen of Eighteenth-Century London', *Journal of Modern Jewish Studies*, Vol.10, No.2, (2011), pp.223-244.

McCloskey, Donald N., 'The Enclosure of Open Fields: Preface to a Study of Its Impact on the Efficiency of English Agriculture in the Eighteenth Century', *Journal of Economic History*, Vol.32, No.1, (1972), pp.15-35.

Morgan, Gwenda and Rushton, Peter, 'The magistrate, the community and the maintenance of an orderly society in eighteenth-century England', *Historical Research*, Vol.76, No.191, (2003), pp.54-77.

Paley, R., 'An Imperfect, Inadequate and Wretched System? Policing London Before Peel.', *Criminal Justice History*, Vol.X, (1989), pp.95-130.

Phelps Brown, E. H. and Hopkins, Sheila V., 'Seven Centuries of Building Wages', *Economica*, Vol.22, No.87, (1955), pp.195-206.

Pitman, Jan, 'Tradition and Exclusion: Parochial Officeholding in Early Modern England, a Case Study from North Norfolk, 1580-1640', *Rural History*, Vol.15, No.1, (2004), pp.27-45.

Quintrell, B. W., 'The Making of Charles I's Book of Orders', *English Historical Review*, Vol.95, No.376, (1980), pp.553-572.

- Richardson, Sarah, 'Petticoat Politicians: Women and the Politics of the Parish in England', *The Historian*, Vol.119, Autumn, (2013), pp.12-15.
- Richardson, T. L., 'The Agricultural Labourers' Standard of Living in Lincolnshire, 1790-1840: Social Protest and Public Order', *Agricultural History Review*, Vol.41, No.1, (1993), pp.1-19.
- Robinson, Cyril D., 'Ideology as History: A Look at the Way Some English Police Historians Look at the Police', *Police Studies: International Review of Police Development*, Vol.2, No.2, (1979), pp.35-49.
- Rollitt, Linda, 'Parish Constables of Berkhamsted; Constables' Accompts Book (1748-1818)', *Chronicle of Berkhamsted Local History Society*, Vol.3, (2006).
- Shelton, Walter J., 'The Role of Local Authorities in the Provincial Hunger Riots of 1766', *Albion*, Vol.5, No.1, (1973), pp.50-66.
- Simpson, H. B., 'The Office of Constable', *English Historical Review*, Vol.10, No.40, (1895), pp.625-641.
- Slack, Paul, 'Vagrants and Vagrancy in England, 1598-1664', *Economic History Review*, Vol.27, No.3, (1974), pp.360-379.
- Slack, Paul, 'Books of Orders: The Making of English Social Policy, 1577-1631', *Transactions of the Royal Historical Society*, Vol.30, (1980), pp.1-22.
- Solar, Peter M., 'Poor relief and English economic development before the industrial revolution', *Economic History Review*, Vol.XLV, No.iii, (1995), pp.1-22.
- Spring, Eileen and Spring, David, 'The English Landed Elite, 1540-1879', *Albion*, Vol.17, No.2, (1985), pp.149-166.
- Stone, Lawrence, 'Social Mobility in England, 1500-1700', *Past & Present*, Vol.33, (1966), pp.16-55.
- Storch, Robert D., 'The Old English Constabulary', *History Today*, Vol.49, No.11, (Nov. 1999), pp.43-49.
- Styles, John, 'Sir John Fielding and the Problem of Criminal Investigation in Eighteenth-Century England', *Transactions of the Royal Historical Society*, Vol.33, (1983), pp.127-149.
- Summerson, H. R. T., 'The Structure of Law Enforcement in Thirteenth Century England', *American Journal of Legal History*, Vol.23, (1979), pp.313-327.
- Tague, Ingrid H., 'Eighteenth-Century English Debates on a Dog Tax', *Historical Journal*, Vol.51, No.4, (2008), pp.901-920.
- Thompson, E. P., 'Patrician Society, Plebeian Culture', *Journal of Social History*, Vol.7, No.4, (1974), pp.382-405.

Thompson, E. P., 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past & Present*, Vol.50, (Feb 1971), pp.76-136.

Waddell, Brodie, 'Governing England Through the Manor Courts, 1550-1850', *Historical Journal*, Vol.55, (2012), pp.279-315.

Wasson, E. A., 'The penetration of new wealth into the English governing class from the middle ages to the First World War', *Economic History Review*, Vol.LI, No.1, (1998), pp.25-48.

Williams, Samantha, 'Poor relief, labourers' households and living standards in rural England c.1770–1834: a Bedfordshire case study', *Economic History Review*, Vol.LVIII, No.3, (2005), pp.485-519.

Wrigley, E. A., 'A Simple Model of London's Importance in Changing English Society and Economy 1650-1750', *Past & Present*, No.37, (1967), pp.44-70.

Wrigley, E. A., 'English county populations in the later eighteenth century', *Economic History Review*, Vol.60, No.1, (2007), pp.35-69.

Wyatt, Grace, 'Bastardy and Prenuptial Pregnancy in a Cheshire Town During the Eighteenth Century', *Local Population Studies*, Vol.49, (1992), pp.38-50.

Zedner, Lucia, 'Policing Before and After the Police. The Historical Antecedents of Contemporary Crime Control', *British Journal of Criminology*, Vol.46, (2006), pp.78-96.

Electronically-Published Articles and Resources

Rotation Office Yard, Kirkgate, Leeds Library and Information Service.
www.leodis.net.

Corfield, Penelope, Harvey, Charles and Green, Edmund, '7.11: Classification by Occupation', *London Electoral History 1700-1850*, (2014). <http://leh.ncl.ac.uk>, [accessed 20th December 2016].

Corfield, Penelope, Harvey, Charles and Green, Edmund, '7.12: Problems in Classifying Social Class by Occupation', *London Electoral History 1700-1850*, (2014). <http://leh.ncl.ac.uk>, [accessed 20th December 2016].

Corfield, Penelope, Harvey, Charles and Green, Edmund, '7.13 Lords and Ladies: Titles, Status and Precedence', *London Electoral History 1700-1850*, (2014). <http://leh.ncl.ac.uk>, [accessed 20th December 2016].

Hitchcock, Tim, Howard, Sharon and Shoemaker, Robert, 'A Population History of London', *London Lives, 1690-1800*, (2012, version 1.1). www.londonlives.org, [accessed 16th May 2016].

Hitchcock, Tim, Shoemaker, Robert, Emsley, Clive, Howard, Sharon and McLaughlin, Jamie, 'Currency, Coinage And The Cost Of Living', *Old Bailey Proceedings Online, 1674-1913*, (version 7.0, 24th March 2012). www.oldbaileyonline.org, [accessed 27th June 2014].

Hitchcock, Tim, Shoemaker, Robert, Howard, Sharon and McLaughlin, Jamie, 'Westminster', *London Lives 1690-1800*, (version 1.1, 24th April 2012). www.londonlives.org, [accessed 20th October 2013].

Styles, John, 'An eighteenth-century magistrate as detective: Samuel Lister of Little Horton', *Bradford Historical & Antiquarian Society*, (1982). www.Bradfordhistorical.org.uk, [accessed 17th April 2014].

Wilson, Brian, 'The Constable's Book, Weston on the Green, 1797-1843', *Weston on the Green*, (2015). www.wotg.org.uk, [accessed 25th March 2016].

Theses and Unpublished Works

Triffitt, J. M., 'Politics and the Urban Community: Parliamentary Boroughs in the South West of England, 1710-1830'. PhD, University of Oxford, 1985.

Walker, Hilary, 'Differentiation within the artisan sector in Saffron Walden in the eighteenth century'. PhD, University of East Anglia, 2014.

Websites and Online Databases

British Executions Database. www.britishexecutions.co.uk.

British Newspapers 1600-1900, Gale-Cengage Learning. www.gale.cengage.co.uk.

Discovery: The National Archives. www.discovery.nationalarchives.gov.uk.

Eighteenth Century Collections Online, Gale-Cengage Learning. www.gale.cengage.co.uk.

Manorial Documents Register, The National Archives. <http://discovery.nationalarchives.gov.uk/manor-search>.

London Lives 1690 to 1800 - Crime, Poverty and Social Policy in the Metropolis, Hitchcock, Tim, Shoemaker, Robert and Howard, Sharon. www.londonlives.com.